

**TITLE 3. AGRICULTURE**  
**CHAPTER 4. DEPARTMENT OF AGRICULTURE**  
**PLANT SERVICES DIVISION**

Authority: A.R.S. §§ 3-107, 3-201 et seq., 3-441 et seq., and 3-481 et seq.

*Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09; Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77; Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307; Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408; Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504; Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1; Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108; Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 (Supp. 91-4).*

**ARTICLE 1. GENERAL PROVISIONS**

*Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09 (Supp. 91-4).*

Section

R3-4-101.	Definitions
R3-4-102.	Licensing Time-frames
R3-4-103.	Repealed
R3-4-104.	Repealed
R3-4-105.	Repealed
R3-4-106.	Repealed
R3-4-107.	Experimental Purposes
R3-4-108.	Repealed
R3-4-109.	Repealed
Table 1.	Time-frames (Calendar Days)

**ARTICLE 2. QUARANTINE**

*Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77 (Supp. 91-4).*

Section

R3-4-201.	Transportation and Packaging	
R3-4-202.	Repealed	
R3-4-203.	Repealed	
R3-4-204.	Pink Bollworm and the Cotton Boll Weevil	Complex
R3-4-205.	Renumbered	
R3-4-206.	Repealed	
R3-4-207.	Repealed	
R3-4-208.	Repealed	
R3-4-209.	Repealed	
R3-4-210.	Repealed	
R3-4-211.	Repealed	
R3-4-212.	Repealed	
R3-4-213.	Repealed	
R3-4-214.	Repealed	
R3-4-215.	Repealed	
R3-4-216.	Repealed	
R3-4-217.	Repealed	
R3-4-218.	Cotton Boll Weevil Pest	
R3-4-219.	Citrus Fruit Surface Pest	
R3-4-220.	Citrus Nursery Stock Pests	
R3-4-221.	Repealed	
R3-4-222.	Repealed	
R3-4-223.	Repealed	
R3-4-224.	Repealed	
R3-4-225.	Repealed	
R3-4-226.	Scale insect pest	
R3-4-227.	Repealed	
R3-4-228.	European corn borer, <i>Ostrinia nubilalis</i> (Hubn.)	

R3-4-229.	Nut Tree Pests
R3-4-230.	Tristeza or Quick Decline of Citrus
R3-4-231.	Nut Pests
R3-4-232.	Repealed
R3-4-233.	Lettuce Mosaic
R3-4-234.	Nematode Pests
R3-4-235.	Repealed
R3-4-236.	Repealed
R3-4-237.	Repealed
R3-4-238.	Whitefly Pests
R3-4-239.	Imported Fire Ants
R3-4-240.	Apple Maggot and Plum Curculio
R3-4-241.	Lethal Yellowing of Palms
R3-4-242.	Brown Citrus Aphid
R3-4-243.	Repealed
R3-4-244.	Regulated and Restricted Noxious Weeds
R3-4-245.	Prohibited Noxious Weeds
R3-4-246.	Caribbean Fruit Fly
R3-4-247.	Repealed
R3-4-248.	Japanese beetle

**ARTICLE 3. NURSERY RULES**

*Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307 (Supp. 91-4).*

*Article 3 consisting of Sections R3-4-301 through R3-4-307 adopted effective January 17, 1989.*

Section

R3-4-301.	Special nursery certification; definitions
R3-4-302.	Special nursery certification; Arizona certified nursery inspections
R3-4-303.	Special nursery certification; ozonium root rot inspection
R3-4-304.	Special nursery certification; other certification inspections
R3-4-305.	Special nursery certification; application
R3-4-306.	Special nursery certification inspection; denial, revocation, and suspension of certification
R3-4-307.	Repealed

**ARTICLE 4. SEEDS**

*Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408 (Supp. 91-4).*

*Article 4 consisting of Sections R3-4-110 through R3-4-117 renumbered without change as Article 4, Sections R3-4-401 through R3-4-408 (Supp. 89-1).*

Section

R3-4-401.	Definitions
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R3-4-402.	Labeling
R3-4-403.	Noxious Weed Seeds
R3-4-404.	Vegetable Seed Germination Standards
R3-4-405.	Seed-certifying Agencies
R3-4-406.	Sampling and Analyzing Seed
R3-4-407.	Phytopathology Field Inspection; Fee
R3-4-408.	Licenses: Seed Dealer and Seed Labeler; Fees

**ARTICLE 5. COLORED COTTON**

(Authority: A.R.S. § 3-205.02 et seq.)

*Article 5, consisting of Section R3-4-501 renumbered from R3-4-205 and amended, effective April 9, 1998 (Supp. 98-2).*

*Article 5, consisting of Sections R3-4-501 through R3-4-506, repealed by summary action with an interim effective date of February 10, 1995; interim effective date of February 10, 1995 now the permanent date (Supp. 96-3).*

*Article 5, consisting of Sections R3-4-501 through R3-4-505 adopted effective October 15, 1993 (Supp. 93-4).*

*Article 5, consisting of Sections R3-4-501 through R3-4-504 repealed effective October 15, 1993 (Supp. 93-4).*

*Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504 (Supp. 91-4).*

*Article 5 consisting of Sections R3-4-120 through R3-4-122 renumbered without change as Article 5, Sections R3-4-501 through R3-4-503 (Supp. 89-1).*

## Section

R3-4-501. Colored Cotton Production and Processing

**ARTICLE 6. RECODIFIED**

*Article 6, consisting of Sections R3-4-601 through R3-4-611 and Appendix A, recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).*

*Article 6, consisting of Sections R3-4-601 through R3-4-618 and Appendix A, adopted effective July 6, 1993 (Supp. 93-3).*

*Article 6, consisting of Sections R3-4-601 through R3-4-633 and Appendix A, repealed effective July 6, 1993 (Supp. 93-3).*

*Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1.*

*Article 6 consisting of Sections R3-4-130 through R3-4-141 renumbered without change as Article 6, Sections R3-4-601 through R3-4-612 (Supp. 89-1).*

## Section

R3-4-601.	Recodified
R3-4-602.	Recodified
R3-4-603.	Recodified
R3-4-604.	Recodified
R3-4-605.	Recodified
R3-4-606.	Recodified
R3-4-607.	Recodified
R3-4-608.	Recodified
R3-4-609.	Recodified
R3-4-610.	Recodified
R3-4-611.	Recodified
R3-4-612.	Repealed
R3-4-613.	Repealed
R3-4-614.	Repealed
R3-4-615.	Repealed
R3-4-616.	Renumbered

R3-4-617.	Repealed
R3-4-618.	Renumbered
R3-4-619.	Repealed
R3-4-620.	Repealed
R3-4-621.	Repealed
R3-4-622.	Repealed
R3-4-623.	Repealed
R3-4-624.	Repealed
R3-4-625.	Repealed
R3-4-626.	Repealed
R3-4-627.	Repealed
R3-4-628.	Repealed
R3-4-629.	Repealed
R3-4-630.	Repealed
R3-4-631.	Repealed
R3-4-632.	Repealed
R3-4-633.	Repealed
Appendix A.	Recodified

**ARTICLE 7. FRUIT AND VEGETABLE STANDARDIZATION**

(Authority: A.R.S. § 3-481 et seq.)

*Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108 (Supp. 91-4).*

## Section

R3-4-701.	Apple Standards
R3-4-702.	Apricot Standards
R3-4-703.	Asparagus Standards
R3-4-704.	Beet and Turnip Standards
R3-4-705.	Broccoli Standards
R3-4-706.	Brussels Sprouts Standards
R3-4-707.	Cabbage Standards
R3-4-708.	Cantaloupe Standards; Maturity Sampling; Packing Arrangements
R3-4-709.	Carrot Standards
R3-4-710.	Cauliflower Standards
R3-4-711.	Celery Standards
R3-4-712.	Cherry Standards
R3-4-713.	Corn Standards
R3-4-714.	Endive, Escarole, or Chicory Standards
R3-4-715.	Greens Standards (Collard, Rapini, Mustard, and Turnip)
R3-4-716.	Head Lettuce Standards
R3-4-717.	Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons); Maturity Sampling
R3-4-718.	Nectarine Standards
R3-4-719.	Okra Standards
R3-4-720.	Dry Onion Standards
R3-4-721.	Pea Standards
R3-4-722.	Peach Standards
R3-4-723.	Pear Standards
R3-4-724.	Sweet Pepper Standards
R3-4-725.	Fresh Plum and Prune Standards
R3-4-726.	Potato Standards
R3-4-727.	Romaine Standards
R3-4-728.	Spinach Standards
R3-4-729.	Strawberry Standards
R3-4-730.	String Bean Standards
R3-4-731.	Summer Squash Standards
R3-4-732.	Sweet Potato Standards
R3-4-733.	Table Grape Standards
R3-4-734.	Tomato Standards
R3-4-735.	Winter Squash Standards

- R3-4-736 Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards
- R3-4-737 Container Labeling for Fruit and Vegetables
- R3-4-738 Inspection and Representative Sampling for Fruit and Vegetables
- R3-4-739 Reconditioning for Fruit and Vegetables
- R3-4-740 Experimental Pack and Product Permits for Fruit and Vegetables
- R3-4-741 Inspection Fee
- R3-4-742 Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants
- R3-4-743 Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers

## ARTICLE 8. CITRUS FRUIT STANDARDIZATION

(Authority: A.R.S. § 3-441 et seq.)

*Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 (Supp. 91-4).*

### Section

- R3-4-801. Orange and Grapefruit Standards
- R3-4-802. Lemon Standards
- R3-4-803. Lime Standards
- R3-4-804. Tangerine, Tangelo, and Mandarin Standards
- R3-4-805. Serious Defects in Citrus Fruit
- R3-4-806. Tolerance for Serious Defects
- R3-4-807. Freezing Damage
- R3-4-808. Standards for Unlisted Citrus Fruit, Experimental Product Standards
- R3-4-809. Bulk Sale of Citrus Fruit; Non-licensed Purchaser
- R3-4-810. Packaged Count and Average Diameter
- R3-4-811. Container Labeling for Citrus Fruit
- R3-4-812. Inspections and Representative Sampling for Citrus Fruit
- R3-4-813. Reconditioning for Citrus Fruit
- R3-4-814. Experimental Pack and Product Permits for Citrus Fruit
- R3-4-815. Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants
- R3-4-816. Recordkeeping and Reporting Requirements for Citrus Fruit Shippers

## ARTICLE 9. BIOTECHNOLOGY

*Article 9, consisting of Section R3-4-901, adopted effective November 22, 1993 (Supp. 93-4).*

### Section

- R3-4-901. Genetically Engineered Organisms and Products

## ARTICLE 1. GENERAL PROVISIONS

### R3-4-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, and 3-481, the following terms apply to this Chapter:

1. “Air plant (Epiphyte)” means a plant that grows on another plant or object but does not require the other plant or object as a source of nutrients.
2. “Appliance” means any box, tray, container, ladder, tent, vehicle, implement, or any article or thing that is or may be used in growing, harvesting, handling, packing, or transporting any agricultural commodity.
3. “Aquatic” means living or growing in or on water.
4. “Bulk container” means a package used solely for transporting a commodity in bulk quantities.
5. “Carrier” means any plant or thing that can transport or harbor a crop pest.

6. “Certificate” means an original document issued by an inspector of the Department, the United States Department of Agriculture, or authorized officer of the state of origin, stating name, quantity, and nature of the regulated commodity, and the information required by a specific regulation.
7. “Commodity” means any plant, appliance, soil, material, or thing that is subject to federal and state laws and rules.
8. “Common carrier” means any person transporting a commodity for compensation or commercial purpose.
9. “Consumer container” means a package that is produced or distributed for retail sale or for consumption by an individual.
10. “Container” means any box, crate, lug, chest, basket, carton, barrel, keg, drum, can, sack, or other receptacle for a commodity.
11. “Cotton harvesting machine” means any machine used to pick or harvest raw cotton in a field.
12. “Cotton lint” means the remnant produced when cottonseed is processed in a gin.
13. “Cotton plant” means all parts of *Gossypium* spp. whether wild or domesticated, except manufactured cotton products.
14. “Cotton products” include seed cotton, cotton lint, cotton linters, motes, cotton waste, gin trash, cottonseed, and cotton hulls.
15. “Cotton waste” includes all waste products from the processing of cotton at gins and cottonseed-oil mills, in any form or under any trade designation.
16. “Defoliate” means to remove the leaves from a plant.
17. “Diseased” means an abnormal condition of a plant resulting from an infection.
18. “Fumigate” means to apply a gaseous substance to a commodity in a closed area to eradicate a pest.
19. “Gin trash” means organic waste or materials resulting from ginning cotton.
20. “Head leaves” means all leaves that enfold the compact portion of a head of lettuce or cabbage.
21. “Host” means a plant on or in which a pest can live or reproduce, or both.
22. “Hull” means the dry outer covering of a seed or nut.
23. “Husk” means the membranous outer envelope of many seeds and fruit, such as an ear of corn or a nut.
24. “Infected” means any plant or other material on or in which a disease is found.
25. “Infested” means any plant or other material on or in which a pest is found.
26. “Inspector” means an employee of the Department or other governmental agency who enforces any law or rule of the Department.
27. “Label” means all tags and other written, printed, or graphic representations in any form, accompanying or pertaining to a plant or other commodity.
28. “Lot” means any one group of plants or things, whether or not containerized that is set apart or is separate from any other group.
29. “Nursery” means real property or other premises on or in which nursery stock is propagated, grown, or cultivated or from which source nursery stock is offered for distribution or sale. (A.R.S. § 3-201(6))
30. “Permit” means an official document authorizing the movement of a host plant and carrier.
31. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.

32. “Plant” includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation. (A.R.S. § 3-201(8))
33. “Private carrier” means any person transporting a commodity for a noncommercial purpose.
34. “Quarantine holding area” means a site approved by the Department to hold plant material originating from an area infested with imported fire ants or nematode pests.
35. “Reshipment” means the shipment of a commodity after receipt from another shipping point.
36. “Sell” means to exchange for money or its equivalent including to offer, expose, or possess a commodity for sale or to otherwise exchange, barter, or trade.
37. “Serious damage” means any injury or defect rising from any circumstance, natural or mechanical, that affects the appearance or the edible or shipping quality of a commodity, or lot.
38. “Soil” means any non-liquid combination of organic, or organic and inorganic material in which plants can grow.
39. “Standard container” means a receptacle used to pack a specific commodity.
40. “Stub or soca cotton” means cotton stalks of a previous crop that begin to show signs of growing by displaying buds, which swell or send out shoots of plant growth, either white or green.
41. “Subcontainer” means any container being used within another container.
42. “Transport” means moving an article from one point to another.
43. “Treatment” means an application of a substance as either a spray, mist, dust, granule, or fumigant; or a process in which a substance or procedure is used to control or eradicate a crop pest.
44. “Warning-Hold for Agricultural Inspection” means an official Department notice given to a common carrier or private carrier to place a commodity under quarantine.
45. “Vector” means an organism (usually an insect) that may carry a pathogen from one host plant to another.
46. “Vehicle” means an automotive device, such as a car, bus, truck, or private or recreational vehicle.
47. “Volunteer cotton” means a sprout from seed of a previous crop.
48. “Wrapper leaves” means all leaves that do not closely enfold the compact portion of the head of lettuce or cabbage.

#### Historical Note

Former Rule 1; Amended effective June 16, 1977 (Supp. 77-3). Section R3-1-01 renumbered to R3-4-101 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section R3-4-101 renumbered from R3-4-102 without change, effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

#### R3-4-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
  1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative complete-

ness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.

2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
  3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
  2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant’s right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

#### Historical Note

Former Rule 2; Amended effective June 19, 1978 (Supp. 78-3). Section R3-1-02 renumbered to R3-4-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Section R3-4-102 renumbered to R3-4-101; new Section R3-4-102 adopted effective October 8, 1998 (Supp. 98-4).

#### R3-4-103. Repealed

#### Historical Note

Former Rule 3. Section R3-1-03 renumbered to R3-4-103 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

#### R3-4-104. Repealed

#### Historical Note

Former Rule 4. Section R3-1-04 renumbered to R3-4-104 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

#### R3-4-105. Repealed

#### Historical Note

Former Rule 5. Section R3-1-05 renumbered to R3-4-105 (Supp. 91-4). Amended effective September 22, 1994 (Supp. 94-3). Section repealed by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4).

**R3-4-106. Repealed**

**Historical Note**

Former Rule 6. Section R3-1-06 renumbered to R3-4-106 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

**R3-4-107. Experimental Purposes**

Commodities covered by any regulation may be imported for experimental purposes by any authorized governmental or private organization under special permit from the Director.

**Historical Note**

Former Rule 7. Section R3-1-07 renumbered to R3-4-107 (Supp. 91-4). Amended effective September 22, 1994 (Supp. 94-3).

**R3-4-108. Repealed**

**Historical Note**

Former Rule 8. Section R3-1-08 renumbered to R3-4-108 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

**R3-4-109. Repealed**

**Historical Note**

Former Rule 9. Section R3-1-09 renumbered to R3-4-109 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

**Table 1. Time-frames (Calendar Days)**

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
<b>QUARANTINE</b>						
Cotton Boll Weevil Pest	A.R.S. § 3-201.01 R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	A.R.S. § 3-201.01 R3-4-219	14	14	60	30	74
Citrus Nursery Stock Pests	A.R.S. § 3-201.01 R3-4-220	14	14	30	30	44
Lettuce Mosaic Pest	A.R.S. § 3-201.01 R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	A.R.S. § 3-201.01 R3-4-244 R3-4-245	14	14	30	30	44
Scale Insects Pests	A.R.S. § 3-201.01 R3-4-226	14	14	30	30	44
Plum Curculio Apple Maggot	A.R.S. § 3-201.01 R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. § 3-205.02 R3-4-501	14	0	0	0	14
<b>NURSERY</b>						
Ozonium Root Rot Inspection	A.R.S. § 3-201.01 A.R.S. § 3-217 R3-4-303	7	14	30	14	37
• Method of Growing		7	14	4 yrs	14	4 yrs, 7 days
• Indicator Crop Planted on Applicant's Property		7	14	5 yrs	14	5 yrs, 7 days
• Indicator Crop Planted in Sur- rounding Area						
Other Certification Inspections	A.R.S. § 3-201.01 A.R.S. § 3-217	30	14	1 yr	14	1 yr, 30 days
• Nursery Inspection						
Phytosanitary Field Inspection	A.R.S. § 3- 233(A)(7) R3-4-407	30	7	210	7	240
<b>STANDARDIZATION</b>						

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Experimental Pack and Product for Fruit and Vegetables	A.R.S. § 3-487 R3-4-740	7	7	7	7	14
Experimental Pack and Product for Citrus Fruit	A.R.S. § 3-445 R3-4-814	7	7	7	7	14
Citrus Fruit Dealer, Packer, or Shipper License	A.R.S. § 3-449	14	14	14	14	28
Fruit and Vegetable Dealer, Packer, or Shipper License	A.R.S. § 3-492	14	14	14	14	28
<b>SEED DEALERS AND LABELERS</b>						
Seed Dealer	A.R.S. § 3-235 R3-4-408	14	14	14	14	28
Seed Labeler	A.R.S. § 3-235 R3-4-408	14	14	14	14	28

**Historical Note**

Table 1 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 7 A.A.R. 3812, effective August 10, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3). Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4). Amended Section references under Arizona Native Plants to correspond to recodification at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2665, effective June 8, 2004 (Supp. 04-2).

**ARTICLE 2. QUARANTINE****R3-4-201. Transportation and Packaging**

- A.** Any commodity shipped or transported into the state shall be inspected to determine whether the commodity is free of all pests subject to federal and state laws and rules.
- B.** Each commodity shipped or transported into the state shall display the following information on a bill of lading, manifest, freight bill, or on the outside of the carton;
1. The name and address of the shipper and receiver;
  2. A certificate of inspection for nursery stock, if applicable;
  3. The botanical or common name of the commodity;
  4. The quantity of each type of commodity;
  5. The state or foreign country where each commodity originated;
  6. Any other certificate required by this Article.
- C.** Packaging.
1. Any commodity shipped or transported into the state shall be packaged or wrapped in a manner to allow inspection by an inspector.
  2. The following and other similar types of packages are prohibited:
    - a. Packages that cannot be opened without destroying either the package or its contents;
    - b. Packages that cannot, once opened, be resealed after inspection without the inspector supplying additional packing material to protect the contents;
    - c. Commodities that are packaged or sealed with wire or seals that cannot be opened and resealed without special tools or equipment;
    - d. Clear or colored waxes applied to a commodity that prevent inspection.
- D.** Restrictions.
1. Nursery stock shipments shall not enter Arizona between 8:00 a.m. Friday and 12:01 a.m. Monday, or during a legal holiday.
  2. Common and private carriers. A carrier shall declare all commodities at a port-of-entry.
    - a. All carriers shall hold a commodity until it is inspected by an inspector and a Certificate of Release, under A.R.S. § 3-209, is issued. The Director may authorize a carrier to deliver a commodity to a consignee before the inspection.
      - i. If the commodity requiring inspection cannot be adequately inspected, the inspector may place the commodity under a "Warning-Hold for Agricultural Inspection."
      - ii. The inspector may seal the truck to prevent the likelihood of spreading harmful pests.
    - b. When a carrier enters the state at a port-of-entry where agriculture inspections are performed, the driver shall:
      - i. Provide the inspector with the bill of lading, manifest, or a short-form manifest signed by the company's authorized agent responsible for supervising the loading of the contents in the shipment;
      - ii. Open the vehicle and expose the contents for inspection; and
      - iii. Assist the inspector in gaining access to the contents.
    - c. When a carrier enters the state at a port-of-entry where no agricultural inspections are performed, the carrier shall follow procedures specified in subsection (D)(2)(b), proceed to destination for inspection, and provide the following information on a Load Report form:
      - i. The name, address, and telephone number of the shipper;
      - ii. The name, address, and telephone number of the primary receiver;
      - iii. The name and address of the carrier;
      - iv. The tractor unit number and trailer license number; and
      - v. The name and address of additional receivers, if any.

3. Bulk mail facility. All commodities entering a bulk mail facility shall be held for inspection. The commodity shall not be released until an inspector inspects the commodity and issues a Certificate of Release.
  4. Railroad. Any commodity shipped by railroad shall be inspected at destination. The responsible party shall notify the Director in advance of the shipment to schedule an inspection of the commodity.
  5. Out-of-state destination. If a commodity requiring inspection is shipped to a point outside the state, and is confirmed by a short-form manifest, freight bill, or bill of lading, the inspector shall give the driver a notice in writing, or by transit stamp, that the shipment is under quarantine while in the state, and it is unlawful to dispose of the shipment in any way unless the shipment is inspected and released by an inspector.
  6. Certificate of Release. Any person receiving a commodity from a post office, United Parcel Service terminal, or any carrier without a Certificate of Release shall immediately notify the Department and request an inspection.
- E. Disposition of commodity.** When a carrier is in possession of, or responsible for, a commodity inspected by an inspector and found in violation of Arizona quarantine laws, and elects to ship the commodity out-of-state:
1. The inspector shall issue a "Warning-Hold for Agricultural Inspection" notice to the carrier. The carrier shall hold the notice until the commodity is removed from the state through a port-of-entry designated by the inspector and the removal is noted on the notice.
  2. The carrier shall surrender the "Warning-Hold for Agricultural Inspection" notice (driver's copy) at the port-of-entry specified on the notice.
- F. Violations.**
1. The inspector shall place any commodities not meeting the requirements of subsections (C)(1) and (C)(2) under quarantine and notify the shipper in writing of the following options:
    - a. Reship the commodity out-of-state;
    - b. Provide the necessary labor and material to open the package and reseal it after inspection; or
    - c. Under the supervision of an inspector, destroy the shipment.
  2. Any person who violates any of the following provisions shall submit the load for complete inspection at a port-of-entry, or where apprehended;
    - a. Fails to comply with requirements on the "Warning-Hold for Agricultural Inspection" notice;
    - b. Fails to comply with the inspector's instructions;
    - c. Breaks the seals of a sealed vehicle; or
    - d. Delivers a product under quarantine before it is released by an inspector, or authorized by the Director.

**Historical Note**

Former Rule, Quarantine Regulation 2; Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-50 repealed, new Section R3-4-50 adopted effective October 23, 1978 (Supp. 78-5). Section R3-1-50 renumbered to R3-4-201 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-202. Repealed****Historical Note**

Former Rule, Quarantine Regulation 3. Section R3-1-51 renumbered to R3-4-202 (Supp. 91-4). Section repealed

by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-203. Repealed****Historical Note**

Former Rule, Quarantine Regulation 4. Repealed effective October 23, 1978 (Supp. 78-5). Section R3-1-52 renumbered to R3-4-203 (Supp. 91-4).

**R3-4-204. Pink Bollworm and the Cotton Boll Weevil Complex**

- A. Definitions.** In addition to the definitions provided in A.R.S. § 3-201 and R3-4-101, the following terms apply to this Section:
1. "Crop remnant" means the stalks, leaves, bolls, lint, pods, and seeds of cotton;
  2. "Pests" means the pink bollworm, *Pectinophora gossypiella* (Saunders), and the boll weevil complex, *Anthonomus grandis* Boheman complex.
- B. Covered commodities.** The following commodities are host plants or carriers of the pests:
1. Cotton, all parts;
  2. Cotton gin trash;
  3. Used cotton harvesting machines; and
  4. Other materials, products, and equipment that are means of disseminating or proliferating the pests.
- C. Processing cotton gin trash.** Any person operating an Arizona cotton gin shall daily destroy cotton gin trash by using a disposal fan as prescribed by the *United States Department of Agriculture Domestic Program Manual*, M301.52 Regulatory Procedures (III)(C)(4), revised December 1979. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- D. Movement of covered commodities.**
1. No covered commodity produced or located within an area infested with the pests may be moved out of that area unless a permit is issued by the Director. Any person intending to move, transport, or allow the movement of a covered commodity shall provide the Department with the following information before the date of movement or shipment:
    - a. The quantity of the covered commodity to be moved;
    - b. The location of the commodity;
    - c. The names and addresses of the consignee and consignor;
    - d. The method of shipment; and
    - e. The scheduled date of the shipment.
  2. The shipper shall attach all permits to the manifest, waybill, or bill of lading which shall accompany the shipment. Permits shall specify the manner of handling or treating the host plant or commodity. Pink bollworm treatment shall be under official supervision and applied as prescribed for cotton products in the *USDA Treatment Manual*, revised April 1998. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- E. Cultural practices.**
1. Arizona's cultural zones are:
    - a. Zone "A" -- Yuma County west of a line extended directly north and directly south of Avenue 58E.
    - b. Zone "B" -- Cochise County, Graham County, and Greenlee County.
    - c. Zone "C" -- Mohave County, La Paz County, except the Cibola Valley, and T6N, R11W, 12W, 13W;

- T5N, R13W; T4N, R12W, 14W, 15W; T3N, R10W, 11W; T2N, R11W.
- d. Zone “D” -- Pima County and the following portions of Pinal County: T10S, R10E, section 34, 35, and 36, T10S, R11E, section 31, T7S, R16E, T6S, R16E, T5S, R15E, and T4S, R14E, and the Aguila area T7N, R8W and T7N, R9W and T7N, R10W and T7N, R11W to the western boundary of section 35, 26, and 23.
  - e. Zone “E” -- The following portions of La Paz County: Cibola Valley TIN, R23W and TIN, R24W and T1S, R23W and T1S, R24W.
  - f. Zone “F” -- All portions of the state not included in zones “A”, “B”, “C”, “D”, and “E.”
2. No stub, soca, or volunteer cotton shall be grown in or allowed to grow in the state. The landowner shall be responsible for eliminating stub, soca, or volunteer cotton.
  3. Tillage deadline. Except as provided in subsection (E)(4), a grower shall ensure that a crop remnant of a host plant remaining in the field after harvest is shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil before the following dates or before planting another crop, whichever occurs earlier: Zone “A”, December 15; Zone “B”, March 1; Zone “C”, January 15; Zone “D”, March 1; Zone “E”, January 31; Zone “F”, February 15.
  4. Rotational crop following cotton harvest.
    - a. If a grower elects to plant a small-grain crop following a cotton harvest, the grower may, after the host plant is shredded, irrigate and plant with wheat, barley, or oats instead of tilling as prescribed in subsection (E)(3). The small-grain crop shall be planted before the following dates: Zone “A”, December 30; Zone “B”, March 1; Zone “C”, January 30; Zone “D”, March 1; Zone “E”, January 31; Zone “F”, February 15.
    - b. The Director shall approve other small-grain crops not specifically listed in subsection (E)(4)(a), if the planting, growth, and harvest cycles of the small-grain crop prevents the maturation of stub, soca, or volunteer cotton. A grower shall submit a written request for approval of a small-grain crop, other than wheat, barley, or oats, at least 30 days before the planting date. The written request shall include the scientific and common name of the proposed small-grain crop and the estimated date of harvest.
    - c. If a grower elects to plant a crop other than an approved small-grain crop following a cotton harvest, the requirements specified in subsection (E)(3) apply.
  5. Planting dates.
    - a. A grower who meets the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton before the following dates: Zone “A”, February 1; Zone “B”, March 15; Zone “C”, March 1; Zone “D”, March 15; Zone “E”, March 1; Zone “F”, March 1.
    - b. A grower who does not meet the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton before the following dates: Zone “A”, February 15; Zone “B”, March 15; Zone “C”, March 15; Zone “D”, March 15; Zone “E”, March 1; Zone “F”, March 1.
  6. Dry planting. Any grower who uses the practice of dry planting may plant cotton 10 days before the planting date for that zone, but shall not water until the planting date.
  7. An inspector shall give written notice to any landowner found in violation of subsection (E). The processes established in subsections (E)(3) and (E)(4) shall be repeated, as necessary, to destroy the pests.
- F. Advisory Committee. The Director shall appoint an advisory committee consisting of one representative from each of the following organizations, and the committee shall make recommendations to the Department on amendments to this Section:
- The Arizona Cotton Growers Association,
  - The Arizona Farm Bureau Federation,
  - The Arizona Crop Protection Association,
  - The Southwest Indian Agricultural Association,
  - The University of Arizona Experiment Station,
  - The University of Arizona Extension Service,
  - USDA-Research,
  - USDA-APHIS,
  - The Department of Agriculture, and
  - A grower from each of the six zones.

**Historical Note**

Former Rule, Quarantine Regulation 5. Amended effective January 24, 1978 (Supp. 78-1). Former Section R3-4-53 repealed, new Section R3-4-53 adopted effective December 2, 1982. See also R3-4-53.01 through R3-4-53.07 (Supp. 82-6). Section R3-1-53 renumbered to R3-4-204 (Supp. 91-4). Section repealed, new Section adopted effective May 7, 1993 (Supp. 93-2). Amended effective September 22, 1994 (Supp. 94-3). Amended effective July 10, 1995 (Supp. 95-3). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2).

**R3-4-205. Renumbered****Historical Note**

Adopted effective December 2, 1982. See also R3-4-53 and R3-4-53.02 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.01 renumbered to R3-4-205 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2). New Section adopted effective December 20, 1994 (Supp. 94-4). Section R3-4-205 renumbered to R3-4-501 and amended, effective April 9, 1998 (Supp. 98-2).

**R3-4-206. Repealed****Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 and R3-4-53.03 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.02 renumbered to R3-4-206 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-207. Repealed****Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01, R3-4-53.02 and R3-4-53.04 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.03 renumbered to R3-4-207 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-208. Repealed****Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.03 and R3-4-53.05 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.04 renum-



bered to R3-4-208 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

#### **R3-4-209. Repealed**

##### **Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.04, R3-4-53.06, and R3-4-53.07 (Supp. 82-6). Amended effective October 21, 1983 (Supp. 83-5). Amended effective July 24, 1985 (Supp. 85-4). Amended effective May 5, 1986 (Supp. 86-3). Amended effective May 10, 1988 (Supp. 88-2). Amended subsection (B) effective December 27, 1988 (Supp. 88-4). Amended effective December 22, 1989 (Supp. 89-4). Section R3-1-53.06 renumbered to R3-4-209 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

#### **R3-4-210. Repealed**

##### **Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.05 and R3-4-53.07 (Supp. 82-6). Section R3-1-53.06 renumbered to R3-4-210 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

#### **R3-4-211. Repealed**

##### **Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.06 (Supp. 82-6). Section R3-1-53.07 renumbered to R3-4-211 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

#### **R3-4-212. Repealed**

##### **Historical Note**

Former Rule, Quarantine Regulation 6. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54 adopted as an emergency now adopted without change effective May 15, 1984. See also R3-4-54.01 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54 renumbered to R3-4-212 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-213. Repealed**

##### **Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.01 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.02 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.01 renumbered to R3-4-213 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-214. Repealed**

##### **Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90

days (Supp. 84-1). Emergency expired. Former Section R3-4-54.02 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.03 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.02 renumbered to R3-4-214 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-215. Repealed**

##### **Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.03 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.02, R3-4-54.04 and R3-4-54.05 (Supp. 84-3). Section R3-1-54.03 renumbered to R3-4-215 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-216. Repealed**

##### **Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.04 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.03, and R3-4-54.05 (Supp. 84-3). Section R3-1-54.04 renumbered to R3-4-216 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-217. Repealed**

##### **Historical Note**

Adopted effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.04 (Supp. 84-3). Section R3-1-54.05 renumbered to R3-4-217 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### **R3-4-218. Cotton Boll Weevil Pest**

##### **A. Definitions**

1. "Cotton appliance" means a container used in handling cotton, including sacks, bags, tarps, boxes, crates, and machinery used in planting, harvesting and transporting cotton.
2. "Cotton lint" means the remnant produced when cottonseed is processed in a gin.
3. "Cotton plant" means all parts of *Gossypium* spp., whether wild or domesticated.
4. "Cottonseed" means a seed derived from cotton plants which is destined for propagation or other use.
5. "Fumigation certificate" means a document for a prohibited product signed by a state or U.S.D.A. agricultural inspector, which specifies the chemical used, the treatment schedule, and the commodity treated.
6. "Gin trash" means organic waste or materials resulting from the ginning of cotton.
7. "Hibiscus" means all parts of *Hibiscus* spp.
8. "Prohibited products" means any cotton product as defined in subsection (A).
9. "Spanish moss" means all parts of *Tillandsia usneoides*.

##### **B. Quarantine**

1. A quarantine is established against the Cotton Boll Weevil, *Anthonomus grandis* Boheman.
2. The area under quarantine shall apply to cotton producing states, with the exception of California.

- C. Prohibited Products. Except as provided in subsections (D), (E), and (F), the following cotton products shall be prohibited from entering Arizona.
1. Gin trash
  2. Cotton lint
  3. Cottonseed
  4. Used cotton appliances which have any cotton plants attached or contained therein.
  5. Cotton plants
  6. Spanish Moss
  7. Hibiscus plants
- D. Special permits
1. Individuals may apply to the Director of the Commission of Agriculture and Horticulture for a special permit for shipment of prohibited products into Arizona from the quarantine area. Applicants for the special permit shall submit a letter to the Commission which includes the following information.
    - a. Quantity of prohibited product to be shipped into Arizona.
    - b. County and state of origin of prohibited product.
    - c. Shipper's name, address, and phone number.
    - d. Carrier's name, address, and phone number.
    - e. Arizona destination receiver, address, and phone number.
    - f. Treatments or processing techniques at place of origin, including name of processor.
    - g. Final disposition of prohibited product in Arizona.
    - h. Calendar period during which shipments are to be made.
    - i. Method of shipment, i.e., truck, rail, etc.
    - j. Route by which prohibited product will be shipped.
  2. Applicants may apply for a special permit for the following:
    - a. Cottonseed which has been treated by one of the following methods:
      - i. Acid or flame process in a gin;
      - ii. Machine processed by grinding or pulverizing;
      - iii. Heat treatment as specified in attached Appendix; or
      - iv. Fumigation;
    - b. Spanish Moss which has been treated by one of the following methods:
      - i. Commercial drying; or
      - ii. Chemical treatment using a pesticide which is registered and labeled for use on such commodities to kill boll weevil.
    - c. Cotton lint which has been impact-fan treated in a gin.
3. A special permit shall be issued by the Director upon a determination that the treatments or processing techniques specified in subsection (D)(2) which have been used on the prohibited products will prevent the entry of the Cotton Boll Weevil pest into Arizona. A transporter may not transport a prohibited product into Arizona without first receiving a special permit. Said special permit shall be presented on demand.
- E. Certificate of Fumigation. The following products shall be allowed entry into Arizona if accompanied by a Certificate of Fumigation demonstrating compliance with fumigation procedures specified in the attached Appendix.
1. Used cotton appliances which have cotton plants attached or contained therein.
  2. Spanish Moss.
  3. Gin trash.
- F. Special Shipments. The following prohibited products shall be allowed entry into Arizona without a special permit or Certificate of Fumigation:
1. Spanish Moss in quantities of less than one pound which is intended for private decorative use and which has been found free of pests by a Commission inspector.
  2. Potted Hibiscus plants, fewer than 12 in number, transported in private vehicles which have been found free of pests by a Commission inspector.
- G. Violations. Products shipped into or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed in accordance with A.R.S. §§ 3-207, 3-208, 3-209, and 3-210.

**Appendix to R3-4-218**

- A. Cottonseed, sacked or packaged, Methyl Bromide fumigation, vacuum method. This method may be used for the treatment of small lots of cottonseed samples only. A sustained vacuum equivalent to 24.5 inches of mercury shall be maintained.

Type of Enclosure	Exposure Period Dosage Temperature (° F)	lbs/100 cu. ft.	Exposure Period
Chamber Vacuum	40° or above	4 lbs.	2 hours

- B. Cottonseed, sacked or packaged, by Methyl Bromide fumigation, atmosphere fumigation method.

Type of Enclosure	Average Load Temperature (° F)	Exposure Period Dosage		Circulation Period
		12 hours Lbs/1000 cu. ft.	24 hours Lbs/1000 cu. ft.	
Chamber or Tanks	60° or above	6	3	30 min.
	Below 60°	7	4	30 min.
Freight Cars and Vans	60° or above	-	7	30 min.
	Below 60°	-	8	60 min.
Tarpaulins	40° or above	7	5	60 min.
	Below 40°	8	6	120 min.

Limitations: The sacks or packages containing the prohibited product shall not be composed of a nonpermeable layer such as a polyethelene or cellophane film, wax paper or tar.

- C. Bulk cottonseed, cottonseed hulls, gin trash, and Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load Temperature (F°)	Exposure Period Dosage		Circulation Period
		12 hours Lbs/1000 cu. ft.	24 hours Lbs/1000 cu. ft.	
Chamber or Tanks	60° or above	6	4	15 min.
	Below 60°	7	5	15 min.
Freight Cars and Vans	60° or above	-	7	15 min.
	Below 60°	-	8	30 min.
Tarpaulins	40° or above	7	5	15 min.
	Below 40°	8	6	30 min.

Limitations: When treating bulk commodities, the depth of the commodities shall be kept under five feet unless an approved forced circulation system is used to assure satisfactory distribution of fumigant.

- D. Bulk propagative cottonseed, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags	1-20 cc ampule	24 hours
2 1/2 feet x 6 feet	2-20 cc ampules	12 hours

- E. Cotton appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load Temperature (° F)	Exposure Period Dosage			Circulation Period
		3 hours Lbs/1000 cu. ft.	4 hours Lbs/1000 cu. ft.	12 hours Lbs/100 cu. ft.	
Chamber or Tanks	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	-	5	30 min.
Freight Cars and Vans	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.
Tarpaulins	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.

- F. Cotton sacks or small appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags	1-20 cc ampule 1/2 loaded bag	3 hours
2 1/2 feet x 6 feet	2-20 cc ampules more than 1/2 loaded bag	3 hours

- G. Bulk cottonseed, heat treatment method. Heat to core temperature of 150° F minimum and hold at that temp. for 30 seconds minimum.

**Historical Note**

Former Rule, Quarantine Regulation 7. Section R3-4-55 repealed, new Section adopted effective August 16, 1990 (Supp. 90-3).  
Section R3-1-55 renumbered to R3-4-218 (Supp. 91-4).

**R3-4-219. Citrus Fruit Surface Pest****A. Definitions**

1. "Certificate" means a document signed by an agent of the Department of Agriculture from the state of origin attesting to a pest treatment or absence of a pest.
2. "Commodities" means fruit of all varieties and species of the genera citrus, poncirus, and all hybrids, including appliances used in citrus groves or other areas in picking, packing or handling fruit which are capable of spreading the pests or diseases as defined in R3-4-102.
3. "Department of Agriculture" means an agent of the state of origin from which commodities, as defined in subsection (D), are shipped into Arizona.
4. "Director" means the Director of the Arizona Department of Agriculture.
5. "Inspector" means an inspector of the Arizona Department of Agriculture.
6. "Pests" means:
  - a. California Red Scale, *Aonidiella auranti*
  - b. Chaff scale, *Parlatoria pergandii*
  - c. Citrus Canker, *Xanthomonas campestris* var. *citri*
  - d. Citrus Rust Mite, *Phyllocaptruta oleivora*
  - e. Comstock Mealybug, *Pseudococcus comstockii*
  - f. Florida Red Scale, *Chrysomplalus aonidum*
  - g. Fullers Rose Weevil, *Pantomorus cervinos*
  - h. Glover scale, *Lepidosaphes gloverii*
  - i. Purple scale, *Lepidosaphes beckii*
  - j. Yellow scale, *Aonidiella citrina*
7. "Stamp" means a label or printed legend placed on cartons by the Department of Agriculture which identifies the contents as having been treated in a manner to prevent the transmission of pests into Arizona.

**B. Quarantined areas.** All areas outside the state of Arizona and all areas within the state of Arizona declared infested by the Director.**C. Conditions for admission into Arizona.**

1. Fruit which originates outside the state shall not be allowed entry until it has been treated by one of the methods listed in Appendix A of this Section and meets the following conditions:
  - a. Except for tangerines and lemons, the condition of fruit shall be free of stems, leaves, and plant parts. Tangerines and lemons may be admitted with stems which do not exceed 1/2 inch in length with no leaves attached.
  - b. A certificate shall accompany each shipment confirming that the treatment was done under state supervision and specifying the variety and quantity of fruit treated, the place, date, and method of treatment.
  - c. Before delivery to the retail sale outlet, every carton of treated fruit shall be identified by a stamp which states "PROCESSED IN ACCORDANCE WITH ARIZONA REQUIREMENTS."
2. The Director may issue a permit exempting shipments of fruit from treatment, which permits shall include the following:
  - a. Certification that the quarantined area or commodity involved is free of scale pests.
  - b. Certification that reports:
    - i. Origin of the fruit in each shipment.
    - ii. Fruit has been cleaned, packed, and handled in a commercial packing house in the usual manner of preparing fruit for interstate commerce and complies with the requirements of Appendix A of this Section.

iii. Name of consignee and consignor.

iv. Statement of quantity of fruit.

v. Date of shipment.

3. Noncommercial quantities consisting of 20 pounds or less of fruit, originating from an area free of internal fruit pests, may be inspected by an inspector for surface pests. If found free of surface pests, it shall be admitted without meeting the requirements of subsection (F).

**D. Conditions for movement of fruit originating within Arizona.**

1. Commodities found to be infested with any of the pests covered in subsection (A)(5) shall be held under quarantine at the place found or moved to a designated area for treatment as prescribed by the Director.
2. Quarantined fruit shall be released by the Director only under one of these conditions:
  - a. The shipment is immediately removed from the state under the supervision of an inspector, or
  - b. The shipment receives treatment immediately to kill the pests involved under the supervision of an inspector in accordance with treatments listed in Appendix A of this Section.

**E. Citrus canker exclusion.** No treatment is recognized effective for citrus canker bacterial infection. All shipments from canker-infected areas or found to be infected with citrus canker shall immediately be shipped out of Arizona or destroyed at owner's expense.**F. Treatment methods.** Required treatment for covered pests on fruit or appliances are listed in Appendix A of this Section.**G. Violations.** Commodities shipped into or moved within Arizona in violation of this rule shall, at the option of the Department of Agriculture, immediately be shipped out of the state, returned to the state of origin, or destroyed in accordance with A.R.S. § 3-210.**Appendix A****A. General requirements for fumigation of fruit, using either cyanide or methyl bromide.**

1. Cartons shall be vented to allow adequate circulation of the fumigant and air.
2. Cartons shall be arranged on pallets or in trucks with slatted bottoms to allow adequate fumigant and air circulation.
3. A fan of sufficient power to circulate the entire air volume in the chamber every five minutes shall be used during the fumigation.
4. Tarps used shall be gas-tight and free of holes. Vans used shall be rendered gas-tight by taping all openings around doors, drains and vents.
5. Fruit shall be free of surface moisture to avoid damage to fruit.
6. Temperatures required relate to the core fruit temperature.

**B. Fruit or appliances shall be fumigated with cyanide at atmospheric pressure in a gas-tight fumigation chamber of approved design for a period of one hour under the following conditions.****Pulp Temperature****Rate per 100 cu. ft.**

60° F to 85° F

25cc HCN gas

Circulation must be maintained during the entire fumigation period.

**C. Special requirements for methyl bromide fumigation.** Fruit or appliances shall be fumigated at atmospheric pressure in a gas-tight chamber of approved design using methyl bromide gas for a period of two hours under the following conditions.

Pulp Temperature	Rate per 1000 cu. ft.
No less than 60° F to 79° F	3 lbs.
80° F or above	2 1/2 pounds

- D. Oil dip for scale pests. The fruit shall be completely submerged for a period of not less than five minutes in a 3% concentration of an oil emulsion. The stock emulsion shall contain no less than 80% oil by volume of an oil that tests no less than 70 viscosity S.S. and no less than 90 unsulfonated residue. The apparatus used in this treatment shall be equipped with an agitator that will ensure a dipping medium of uniform consistency throughout. The temperature of the dipping emulsion shall be maintained at or above 50° F during treatment. The dipping emulsion shall be prepared fresh daily or more often if the tank becomes fouled with debris. Used emulsion shall be disposed of as per label. The tank shall be thoroughly cleaned daily or more often if it becomes fouled with debris. If water used has a high mineral content, appropriate softener shall be added to the emulsion.

#### Historical Note

Former Rule, Quarantine Regulation 8. Repealed effective December 19, 1980 (Supp. 80-6). Adopted as an emergency effective April 11, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-2). Emergency adoption expired. Permanent rule adopted effective November 15, 1984 (Supp. 84-6). Former Section R3-4-56 repealed, former Sections R3-4-56.01 through R3-4-56.04 renumbered and amended as Section R3-4-56 effective June 20, 1986 (Supp. 86-3). Repealed June 29, 1990 (Supp. 90-2). New Section adopted effective April 11, 1991 (Supp. 91-2). Section R3-1-56 renumbered to R3-4-219 (Supp. 91-4).

#### R3-4-220. Citrus Nursery Stock Pests

- A. Jurisdiction. The entry of commodities covered into the state of Arizona shall be governed by the following rule.
- B. Pests Covered.
1. Citrus bud mite *Eriophyes sheldoni*, Ewing.
  2. Citrus red mite *Panonychus citri*, McGregor.
  3. Citrus Rust mite *Phyllocoptruta oleivora*, Ashm.
  4. Comstock Mealybug *Pseudococcus comstocki*, Kuwana.
  5. Quick Decline, Tristeza disease.
- C. Area Under Quarantine. The quarantined area shall include all areas outside of the state of Arizona and any area found infested within the state of Arizona.
- D. Commodities Covered.
1. All varieties and species of the genera *Citrus*, *Fortunella*, *Poncirus*, and all hybrids thereof, either among the same genera or with other genera, the tree, plants, and parts thereof, including seeds, leaves, buds, scions, cuttings, seedlings, and rootstock, and any other plant when found infested with any pest set forth in subsection (B) of this rule.
  2. Any materials, appliances or vehicles used in citrus groves or any other area, in the picking, packing, or handling of citrus nursery stock, which by reason of exposure or contact would constitute a risk of spreading the insect pests as set forth in subsection (B) of this rule.
  3. Soil from citrus groves or nurseries.
- E. Conditions for Admission.
1. Citrus nursery stock shall be admitted to the state only under permit issued by the Director of the Commission of Agriculture and Horticulture pursuant to this rule. The original permit shall accompany each and every shipment and applicable certification tags shall be attached to the

commodities covered. Each shipment shall be subject to further inspection for insect pests and diseases and to the following requirements.

- a. Each shipment of nursery stock or, in the case of buds, budwood, scions, and cuttings, the parent trees shall be certified by an Inspector of the state of origin, or by the U.S. Department of Agriculture, that it has been indexed and found free of Tristeza and other pathogens specified in the permit. In the event such certification cannot be obtained, the nursery stock shall be consigned, after prior arrangements, to the Citrus Experimental Station of the University of Arizona for immediate indexing and testing for Tristeza and other pathogens.
  - b. The certificate referred to in subsection (E) of this rule shall state that the nursery stock was grown on property which had been inspected at least once during the 12 months prior to the date of shipment. In addition, the certificate shall state that none of the pests listed by the Director of the Commission of Agriculture and Horticulture in the application for permit were found on the premises where the nursery stock was grown, or on any property within one mile of those premises. If one or more of the insect or mite pests listed are known to exist in the designated area of those premises, the nursery stock shall be given the appropriate treatment set forth in subsection (F) of this rule. The treatment given the nursery stock shall be listed on the certificate issued by the Inspector of the state of origin.
  - c. The certificate referred to in subsection (E)(1) of this rule shall state that the nursery stock was stored or held in an area where none of the pests listed in the application for permit are known to occur. The nursery stock shall have been inspected within two weeks prior to shipment by an Inspector of the state of origin and found free of dangerous insect pests and plant diseases.
2. Citrus Appliances. Any commodity listed in subsection (D)(2) of this rule shall be admitted to the state of Arizona only after it has been given one of the treatments specified in subsection (F) of this rule and if it is accompanied by a Certificate of Treatment signed by a plant quarantine official of the state or area of origin.
  3. Intrastate Movement of Citrus Nursery Stock. Citrus nursery stock, including citrus trees, plants, buds and scions, which is infested or infected with any pest named in subsection (B) of this rule, shall be moved from one designated area to another within the state of Arizona only after it has been inspected by an Inspector and if it is accompanied by a Certificate of Inspection signed by an Inspector of the Commission.
- F. Treatments.
1. Vacuum Cyanide Fumigation for Whiteflies, Mealybugs, or Mites. Citrus nursery stock shall be fumigated using a dosage of 1 ounce of sodium cyanide, or its equivalent, per 100 cubic feet of chamber space, at 27-inch mercurial vacuum. Fumigation shall cover a period of not less than one hour after the fumigator has been properly charged and the chamber has reached a 27-inch mercurial vacuum.
  2. Methyl Bromide Fumigation for Mealybugs or Mites.
    - a. Pretreatment. Nursery stock shall be in good, healthy condition, turgid, and under as little shock as possible. When atmospheric temperature is below 80° Fahrenheit during the day, nursery stock shall be

- preheated for a period of two hours at 80° Fahrenheit.
- b. Treatment.
    - i. Dosage. 2 1/2 pounds methyl bromide per 1,000 cubic feet of chamber space.
    - ii. Exposure. Two hours.
    - iii. Temperature. At least 80° Fahrenheit.
    - iv. Humidity. 75% or over.
    - v. Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. Load shall not exceed 400-500 trees per 1,000 cubic feet.
    - vi. Circulation and Chamber. Chamber shall be gastight, of the design approved by federal or state authority, and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.
  - c. Post treatment. Fumigated stock shall be kept away from sunlight and wind for 48 hours.
3. Oil Dip - Citrus Nursery Stock for Mites.
    - a. Dip all nursery stock and citrus trees, using either 1 3/4% light-medium emulsive oil, or 2% light-medium emulsion, plus 1/4 pound actual chlorobenzilate per 100 gallons water. The apparatus used in the application of this treatment shall be constructed to permit complete submersion of all aboveground portions of the plants and shall be equipped with an agitator that will ensure a dipping medium of uniform consistency throughout.
    - b. The water temperature in the dipping tank shall not be allowed to drop below 50° Fahrenheit or rise above 100° Fahrenheit during the time of treatment. The dipping tank shall be completely drained and cleaned. A new batch of fresh ingredients shall be prepared and used at least daily, or more often if the ingredients become fouled with debris.
  4. Methyl Bromide Fumigation - Citrus Nursery Stock for Mites.
    - a. Pretreatment. The nursery stock shall be in good healthy condition, turgid, and under as little shock as possible. When the atmospheric temperature is below 80° Fahrenheit during the day, the nursery stock shall be preheated for a period of two hours at 80° Fahrenheit.
    - b. Treatment.
      - i. Dosage. 1 3/4 pounds of methyl bromide per 1,000 cubic feet of chamber space.
      - ii. Exposure. Two hours.
      - iii. Temperature. At least 80° Fahrenheit.
      - iv. Humidity. 75% or over.
      - v. Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. The load shall not exceed 400-500 trees per 1,000 cubic feet.
      - vi. Circulation and Chamber. The chamber shall be gastight, of the design approved and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.
    - c. Post treatment. Keep the fumigated stock from sunlight and wind for 48 hours.
  5. Chlorpyrifos Treatment for Mealybugs or Mites. Chlorpyrifos in a 4-pounds-per-gallon 4E formulation, registered for such use in an emulsion of narrow range spray oil, petroleum oil NR-415 emulsive.
    - a. Dip. Totally submerge the plant material for two minutes, remove for one minute, and submerge again for one minute in an agitated mixture; then remove the plant material and let dry.
    - b. Spray/Drench. Spray thoroughly the trunk, branches, leaf buds, and top and bottom surfaces of foliage to the point of run-off. The dip or spray/drench mixture shall be continuously agitated throughout the treatment procedure. Treatment emulsion is prepared by adding 4.7 milliliters of Chlorpyrifos 4E to 19 milliliters of 415-oil in one gallon of water. For larger quantities, 16 ounces of Chlorpyrifos 4E is added to 64 ounces of 415-oil in 100 gallons of water.
- G. Disposition of Violations.** Commodities covered by this rule which are shipped into the state of Arizona or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director of the Commission of Agriculture and Horticulture and supervision of an Inspector of the Commission.

**Historical Note**

Former Rule, Quarantine Regulation 9. Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-57 renumbered to R3-4-220 (Supp. 91-4).

**R3-4-221. Repealed****Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.01 renumbered to R3-4-221 (Supp. 91-4).

**R3-4-222. Repealed****Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.02 renumbered to R3-4-222 (Supp. 91-4).

**R3-4-223. Repealed****Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.03 renumbered to R3-4-223 (Supp. 91-4).

**R3-4-224. Repealed****Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.04 renumbered to R3-4-224 (Supp. 91-4).

**R3-4-225. Repealed****Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.05 renumbered to R3-4-225 (Supp. 91-4).

**R3-4-226. Scale insect pest**

- A.** Pests covered: All scale insects belonging to the family *Diaspididae*.
- B.** Area under quarantine:
- The areas under quarantine for California Red Scale, *Aonidiella aurantii* (Maskell) and Yellow Scale, *Aonidiella citrine* (Coquillett), are the entire commonwealth of Puerto Rico, the states of California, Florida, Georgia, Texas, and the counties of Dallas and Escombria in Alabama.
  - The areas under quarantine for Florida Red Scale, *Chrysomphalus aonidum* (Linnaeus), and Green Shield Scale, *Pulvinaria psidii* (Maskell), are the entire commonwealth of Puerto Rico, the states of Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Texas, and the counties of Mobile, Macon, Lee, and Montgomery in Alabama.
- C.** Commodities covered: The covered commodities are the plants and plant parts, fruit, except seed, of those genera or species listed below which are hosts of the scale insect pests listed.
- For California Red and Yellow Scales, the primary host plant is *Euonymus spp.*; the secondary host plants are *Rosa spp.* (rose), *Ilex spp.* (holly), *Camellia spp.*, *Cycas* (Sago Palm), and *Ligustrum japonicum* (Waxleaf Privet), and all species of the genera *Citrus*, *Fortunella*, *Poncirus* and all hybrids thereof.
  - For Florida Red Scale and Green Shield Scale, the host plants are *Chrysalidocarpus spp.* (Areca Palm), *Draecena spp.*, and *Ficus spp.* (Weeping Fig; Fig).
- D.** Conditions for admission for California Red and Yellow Scale: The covered commodities listed in R3-4-226(C)(1) are prohibited entry into Arizona from the area under quarantine in R3-4-226(B), unless they meet one of the following conditions:
- Bare-root roses: The shipment shall consist only of roses in a completely defoliated condition, free of California Red or Yellow Scale.
  - Miniature roses: Shipment shall be free of California Red or Yellow Scale.
  - Small lots of host plants, except *Euonymus*: The shipment shall consist only of 25 or fewer secondary host plants which are for private use and not for sale. All plants shall be free of scale insects.
  - Cut holly: The shipment shall consist only of holly cuttings for decorative purposes brought in between October 25 and January 1 and shall be found free of scale.
  - Host plants (except *Euonymus*) from scale-free area: The shipment shall be accompanied by a permit issued by the Arizona State Entomologist. The Arizona State Entomologist shall issue a permit to a shipping nursery if the following conditions are met:
    - An authorized agricultural official at origin annually files with the Arizona State Entomologist a report, based on extensive and continuous surveys, which defines an area of not less than 180 square miles where pests covered in R3-4-226(A) are not known to exist; and
    - All host plants shipped from the nursery shall be grown from seed or cuttings within the area or shall be grown within the area for a minimum of two years.
- E.** Conditions for admission for *Euonymus*: *Euonymus* shall be treated by one of the following methods:
- Methyl Bromide Fumigation: Fumigation at atmospheric pressure in a gas-tight enclosure of approved design using methyl bromide gas registered for such use, for a period of two hours with at least 75% humidity under the following conditions:
    - Gas-tight tarpaulin used to cover and enclose commodity.
 

Fumigated Temperature	Rate per 1,000 cu. ft.
60° - 69° F	3 1/2 pounds of gas
70° - 85° F	3 pounds of gas
    - Fumigation Chamber.
 

Fumigated Temperature	Rate per 1,000 cu. ft.
60° - 69° F	3 pounds of gas
70° - 85° F	2 1/2 pounds of gas
    - All chambers and tarpaulin enclosures shall be equipped with a circulation fan and the fan shall be operated for a period of 20 minutes following complete introduction of the gas.
  - Sodium Cyanide 99%  
Chamber fumigation: 25cc HCN gas per 100 cu. ft. for one hour at not less than 18.3° C (60° F) or more than 29.4° C (85.3° F). See label for method of generating HCN gas from sodium cyanide. Circulation shall be maintained during entire fumigation period.
- F.** Conditions for admission for secondary hosts. All hosts except *Euonymus* shall be allowed entry if one of the following criteria is met:
- Treatment by one of the fumigation methods is listed in R3-4-226(E) *Cycas* and *Camellia* shall not be fumigated.
  - Plants are inspected and no California Red or Yellow scale is found.
- G.** Conditions for admission by Special Permit: A compliance agreement shall be initiated between individual nurseries and the Commission. This agreement shall permit covered commodities to be shipped into Arizona from a nursery located in the quarantined area with the following restrictions:
- The nursery shall be inspected annually by an agricultural inspector of the state of origin. If the nursery is found apparently free of live California Red Scale, California Yellow Scale, Florida Red Scale and Green Shield Scale, a certificate attesting to that fact shall be issued and signed by that inspector.
  - All host plants covered in R3-4-226(C)(1) and (2) shall be treated upon arrival at the permitted nursery using the Chlorpyrifos + oil method listed in R3-4-226(G)(6).
  - Euonymus* shall be treated again, no more than 15 days prior to shipment into Arizona, using one of the fumigation techniques listed in R3-4-226(E).

4. All plants except *Euonymus* shall be treated again, no more than 15 days prior to shipment into Arizona, using the Chlorpyrifos + oil technique listed in R3-4-226(G)(6).
  5. If live scale is found at destination in Arizona, the shipment shall be rejected and the nursery's permit shall be revoked.
  6. Chlorpyrifos in a 4 lb. per gallon (4E) formulation registered for such use in an emulsion of narrow range spray-oil (Petroleum oil, NR-415, emulsive, EPA No. 464-448-AA).
    - a. 4.7 ml of Chlorpyrifos 4E plus 19 ml of narrow range 415 oil per gallon of water or
    - b. 16 fluid ounces of Chlorpyrifos 4E plus 64 ounces of narrow range 415 oil per 100 gallons of water.
    - c. Methods of application:
      - i. Dip: Totally submerge plant material for two minutes. Remove for one minute, and submerge again for one minute in an agitated mixture, then remove and let dry, or
      - ii. Spray: Spray thoroughly the trunk, branches, leaf buds, and all surfaces of all foliage to the point of run-off. The dip or spray-drench mixture shall be continuously agitated throughout the treatment procedure.
- H. Conditions for admission for Florida Red and Green Shield Scale:** the covered commodities listed in subsection (C)(2) are prohibited entry into Arizona from the area under quarantine listed in subsection (B)(2), unless they meet one of the following criteria.
1. Cuttings: The shipment shall consist only of unrooted cuttings for propagation which are inspected by an inspector of the Commission and found free of Florida Red Scale and Green Shield Scale. The shipment shall not contain more than eight cubic feet of cuttings.
  2. Small lots: The shipment shall consist of only 25 or fewer host plants which are for private use, not for sale, and which are inspected by an inspector of the Commission and are found free of scale insects.
  3. Certificate of Inspection or Permit: The shipment shall be accompanied by a certificate issued by an authorized agricultural official of the shipping state or district, affirming that:
    - a. Either the shipment has been inspected not more than five working days prior to shipment and no Florida Red Scale or Green Shield Scale was found; or
    - b. The shipping nursery shall obtain a permit.
      - i. Criteria for permit: All covered commodities shall originate from a nursery which has been inspected and found free of Florida Red Scale and Green Shield Scale on an annual basis by an authorized agricultural official. In the case that any covered pests are found in that nursery, the Department of Agriculture of the state of origin shall certify that the plants have been treated in accordance with the permit which has been issued by the Arizona State Entomologist.
      - ii. Criteria for suspension or revocation of permit: If permitted nursery is found to be infested with live Florida Red Scale or live Green Shield Scale, permit shall be suspended until such time that the State Entomologist determines that the nursery qualifies for recertification.
- I. Disposition of violations:** Any quarantined commodity found in violation of this rule or found to be infested with any of the

scale insects listed in this rule shall immediately be sent out of state or destroyed at the option and expense of the owner or the owner's responsible agent and under the direction of the Arizona State Entomologist or his representative.

#### Historical Note

Former Rule, Quarantine Regulation 10; Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-58 repealed, new Section R3-4-58 adopted effective July 13, 1989 (Supp. 89-3). Section R3-1-58 renumbered to R3-4-226 (Supp. 91-4).

#### R3-4-227. Repealed

#### Historical Note

Former Rule, Quarantine Regulation 11. Section R3-1-59 renumbered to R3-4-227 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

#### R3-4-228. European corn borer, *Ostrinia nubilalis* (Hubn.)

##### A. Areas under quarantine:

1. New Mexico counties: Quay and Union.
2. Texas counties: Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Robert and Sherman.
3. All other states and districts of the United States with these exceptions:
  - a. Alaska,
  - b. California,
  - c. Florida,
  - d. Hawaii,
  - e. Idaho,
  - f. Nevada,
  - g. New Mexico counties not included in (A)(1),
  - h. Oregon,
  - i. Texas counties not listed in (A)(2),
  - j. Utah,
  - k. Washington.

##### B. Commodities covered:

1. Corn -- Plants and all parts thereof including shelled corn, stalks, ears, cobs, fragments, or debris of the plant. "Shelled corn" -- means corn kernels separated from all other plant parts.
2. Sorghum -- Plants and all parts thereof including stalks, heads, fragments, or debris of the plant, EXCEPT combined grain and plant material which has passed through a grain combine.
3. Those parts of corn and sorghum plants or fragments which are capable of harboring larva or European corn borers are any portion of a host plant of any shape or size which cannot be passed through a 1/2-inch square aperture, and any completely whole, round, uncrushed section, portion or piece of cob, stalk, or stem of 1 inch or more in length and 3/16 inch or more in diameter.

##### C. Restrictions:

1. Certification required on all corn and sorghum from area under quarantine: Except as provided in subsection (C)(2), each lot or shipment of corn and sorghums grown in or shipped from the area under quarantine described in subsection (A), imported or brought into this state must be accompanied by an official certificate evidencing compliance with one of the following conditions:
  - a. Certificates on shelled corn grown in or shipped from the quarantined area described in (A) above must either affirm that said grain has been passed through a 1/2-inch mesh screen or less or otherwise processed prior to loading and is believed to be free from stalks, cobs, stems, or portions of plants or



fragments capable of harboring larva of the European corn borer, and, further, that the railroad car or truck was free from stalks, cobs, stems, or such portions of plants or fragments at time of loading, or affirm that said grain has been fumigated by a method and in a manner described by the State Entomologist, and setting forth the date of fumigation, dosage schedule and kind of fumigant used.

- b. All shipments of combined harvested sorghum grain from the area under quarantine must be visually inspected by an inspector or agent of the State Entomologist to determine if the sorghum grain has been properly processed through a combine harvester or the shipment is covered by a U.S. Grade Certificate of No. 3 or better. Any shipment that does not comply with the requirements of this rule shall be placed under quarantine and forwarded to destination subject to conditions prescribed by the inspector or agent.
  - c. Any lot or shipment of shelled corn arriving in this state which is not accompanied by an official certificate as hereinbefore required, or which is certified on the basis of freedom from contamination with portions of plants or fragments capable of harboring larva of European corn borer as defined above, and which is found to be so contaminated, shall be deemed to be in violation of this rule and subject to disposal as provided in A.R.S. § 3-210.
  - d. All certificates issued in compliance with subsection (C)(1)(a) must also set forth the kind and quantity of the commodity constituting the lot or shipment covered thereby, the initials and number of the railway car or license number in the case of truck, and the names and addresses of the shipper and consignee.
2. Certain grain products conditionally exempt from certification: Certification requirements of subsection (C)(1) above are hereby waived on shelled popcorn, seed for planting, and on individual shipments or lots of 100 pounds or less of other clean shelled corn, or comprised of packages of less than 10 pounds, subject to inspection and freedom from portions of plants or fragments capable of harboring European corn borer.
  3. Stalks, ears, cobs, or other parts, fragments, or debris of corn and sorghums admitted under disinfection or treatment certificate: Stalks, ears, cobs, or other parts, fragments, or debris of corn and sorghums, grown in or shipped from the area under quarantine imported as such or as packing or otherwise, will be admitted into the state of Arizona only provided each lot or shipment is accompanied by an official certificate of the state from which shipped, affirming that all stalks, ears, cobs, or other parts, fragments, or debris of such plants accompanied thereby have been treated as listed under subsection (E) of this quarantine and setting forth the date and full particulars of treatment applied.
  4. Manufactured or processed products exempt from restriction: No restrictions are placed by this proclamation upon the movement of the restricted products herein defined which are processed or manufactured in such a manner as to eliminate all danger of carrying the pest herein quarantined against.
- D.** Disposition of violations: Any shipment or lot of quarantined articles as herein defined arriving in Arizona in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners,

his or their responsible agents, and under the direction of the State Entomologist or his inspectors.

**E.** Treatments: European corn borer approved treatments:

1. Ear corn (dry):
  - a. Ears of corn to be heated in a chamber at an air temperature of not less than 168° F for a period of not less than two hours. Ears of corn to be spread out on slat or wire shelves, not more than one layer deep. Air temperatures shall be taken at three points in the chamber and the time of sterilization shall begin when all thermometers reach 168° F after corn has been placed in the chamber.
  - b. Atmospheric fumigation in a gastight chamber using a dosage schedule of 2 lbs. of methyl bromide per 1,000 cu. ft. for a period of six hours at temperature of 70° F or above.  
(CAUTION: Dosage schedules, temperatures, and time or exposure herein indicated should not be exceeded if corn is to be planted.)

2. Ear corn (green):
  - a. Atmospheric fumigation in a gastight chamber using methyl bromide at the following rates for the period specified to be determined by the temperature of the product and interior of the fumigation chamber:

Temperature	Lbs. per 1,000 cu. ft.	Exposure (hrs.)
73° F & above	2	2.5
67-72° F	2.5	2.5
62-66° F	2.5	3
58-61° F	2.5	3.5
54-57° F	2.5	4
50-53° F	3	4
46-49° F	3	4.5
42-45° F	3.5	4.5
38-41° F	3.5	5

3. Freight car fumigation:
 

(CAUTION: All freight cars must be properly tested for leaks and made gastight for the duration of exposure.)

  - a. Bulk ear corn: Atmospheric fumigation for a period of 16 hours using methyl bromide at the following rates to be determined by the temperature of the product and interior of the car during the period of exposure.

Temperature	Lbs. per 1,000 cu. ft.
60° F & above	3
50-59° F	3.5
40-49° F	4
30-39° F	4.5 (Hot gas method of application must be used at temperatures below 40° F.)
20-29° F	5

- b. Fumigation procedure for treating bulk shelled corn in loaded railway cars or van-type trucks as a basis for certification from European corn borer. Forced circulation required: The following described method shall be employed as a basis for issuing fumigation certificates on bulk shelled corn treated in railway cars and trucks to meet the requirements of the European corn borer quarantine.

- i. All metal cars and vans: Only all metal freight cars or all metal trucking vans shall be used as fumigation chambers. The doors must be single doors and not over seven feet in width. Doors and other apertures must be sealed in a manner to make them gastight.
- ii. Air circulation system:
  - (1) Each loaded railway car or trucking van shall be prepared so that air can be withdrawn from beneath grain and returned to the space above the load. This shall be provided by a system of probes inserted in the grain and connected by flexible tubing to a portable blower outside of the car which will return the air to the space above the load.
  - (2) The probe system (see diagram) shall consist of 10 probes 6 feet in length inserted equidistant in a line down the center of the car so that the perforated tips are near the floor level.
  - (3) The probes are to be connected by flexible tubing proportioned so that there is equal suction on each probe.
  - (4) One doorway shall be sealed with gastight laminated paper. The ducts shall lead through this paper seal to the portable blower.
  - (5) The blower shall have a capacity of not less than 625 c.f.m. against 5-inch static pressure and shall be of a design that can be made gastight. The gas can be introduced as a spray or through a volatizer into the exhaust duct at any point between the blower and the car or van, or introduced directly into the space above the load.
- iii. Details of duct system:
  - (1) The intake side of the blower unit is connected to the inside duct system by a 15-foot length of 6-inch neoprene-coated flexible tubing. Another 15-foot length of 8-inch tubing is attached to the exhaust side of the blower and the other end inserted into a metal collar inserted into the paper grain door above the load.
  - (2) The inside probe and duct system is constructed to neoprene-coated flexible tubing. Two similar systems extend from the center to each end of the car or van and are connected by a Y section to a 5-foot section of 6-inch tubing which extends toward the door. The end of this section is fitted with a 6-inch diameter sheet metal tubing that extends through the paper grain door for connection to the intake side of the blower. (See diagram.)
  - (3) A set of 10 probes 6 foot in length are required. Probes are made from 1-1/4-inch I.D. Hard-drawn aluminum tubing. Each probe is fitted with a heavy sheet metal point having 4 slots 1/16 inch wide by 5 inches long through which air is taken into the duct system. Each probe is attached to the duct system by a section of 1-1/2 inch flexible tubing. (See diagram.)
- iv. Procedure:
  - (1) Lay out the inside probe and duct system on top of the load. Insert probes down the center of the load at four-foot intervals to a depth near the floor (both end probes to be placed two feet from the end of the car). Seal door of car through which intake and exhaust tubes from the blower will connect to the probe-duct system as follows:
    - (a) Heavy laminated paper is placed in the doorway on the outer side of the wooden grain door and sealed to the doorfacing and doorsill by Scotch masking tape. The top edge of this paper is lapped over and fastened to the top edge of the wooden grain door. The remainder of the door opening is covered by a paper grain door to the ceiling of the car.
    - (b) Loosen the wooden grain door and slip the bottom edge of the paper door down so as to overlap the paper on the wooden door. Then, re nail the wooden grain door in place. Seal this lap of paper grain door to the paper covering the wooden door using Scotch masking tape. Nail a 1-inch by 4-inch plank across the top of the paper grain door inside of the car, leaving a sufficient edge of paper above the plank to seal it with masking tape or "bug" putty. (Available from fumigant supply companies, or can be made from 8 parts asbestos, 3 parts calcium chloride and 4 parts water.) Seal with the ends of the paper grain door to the inside wall of the car with masking tape. Cut holes in paper grain door (one 8-inch diameter, one 6-inch diameter). These holes should be cut just above the edge of the wooden grain door so that ducts will rest on the top of the wooden grain door. Seal an 8-inch collar inserted through the hole through which the exhaust duct may be inserted. Then insert the end of the inside duct system out through the 6-inch hole so as to protrude about 2 inches beyond the paper grain door and to which the intake duct from the blower may be attached. Close the opposite door and all other apertures in the car and seal with masking tape and "bug" putty so as to make the entire car gastight. Connect intake duct from blower to the end of the inside probe system extending through the paper car door. Insert the end of the exhaust duct through the 8-inch collar in the paper grain door and seal with masking tape or "bug" putty. Start blower and introduce the required amount of fumigant. Allow blower to operate continuously for at least 10 minutes after fumigant has

been discharged. Disconnect intake and exhaust ducts, seal up openings, and close car door. Allow car to remain undisturbed for a period of 16 hours.

- v. Dosage schedule: Atmospheric fumigation for a period of 16 hours using methyl bromide at the following rates to be determined by the temperature of the product and interior of the car during the period of exposure.

Temperature	Lbs. per 1,000 cu. ft.
60° F & above	4
55-59° F	4.5
50-54° F	5
45-49° F	5.5
40-44° F	6
35-39° F	6.5 (Hot gas method of application must be used at temperatures below 40° F.)
30-34° F	7
25-29° F	7.5
20-24° F (minimum)	8

- vi. Supervision: All fumigation treatments applied as a basis for certification to meet destination state European corn borer quarantines shall be under the direct supervision of the origin State

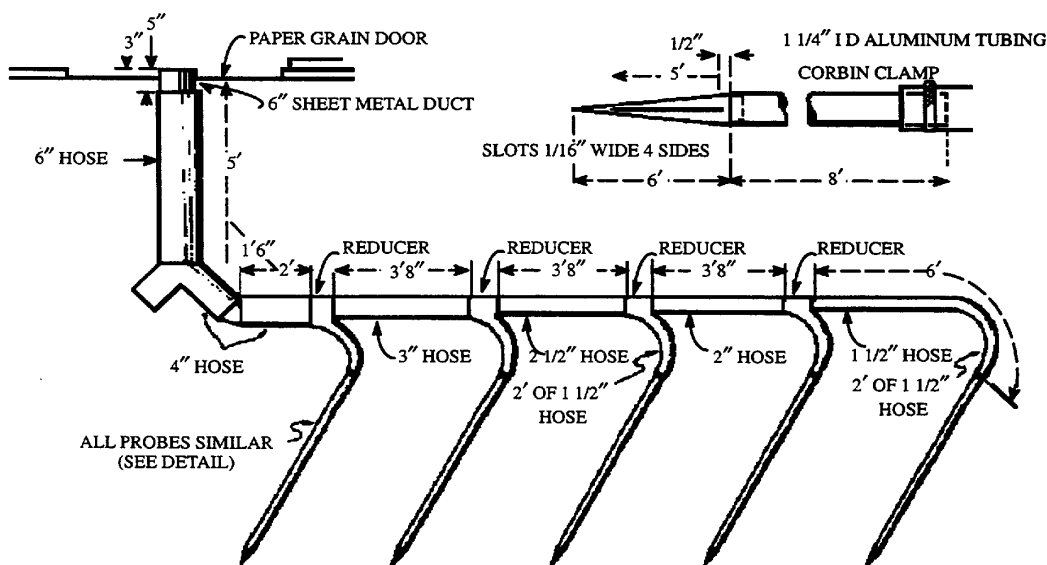
Entomologist or his official inspector. The origin State Entomologist must also determine that all such fumigation equipment and materials used meet the standard established herein.

- vii. Certification: Certificates must affirm that the grain or seed accompanied thereby has been fumigated using the approved "Forced Circulation Method" and set forth the date of fumigation, dosage schedule, kind of fumigant used, period of exposure, and temperature. Each such certificate must also set forth the kind and quantity of the commodity, the initials and number of the railway car or license numbers of vans or trailers and the name and address of the shipper and consignee.

(CAUTION: Methyl bromide ( $\text{CH}_3\text{Br}$ ) is a colorless, odorless, volatile liquid which when released at ordinary temperatures is a gas injurious to all forms of animal life. Proper precautions should be observed by all persons when handling it. For further information, consult the State Entomologist.)

- F. Sulphur treated corn shucks: It has been determined that the sulphuring process used in bleaching corn shucks intended for use in wrapping tamales, etc., will eliminate all danger of such shucks carrying live European corn borer larvae. Such shucks, therefore, are admissible without certificate from the area under quarantine.
- G. General rules: See "General Rules and Definitions, Article 1."

### DETAIL OF PROBE AND DUCT SYSTEM



#### Historical Note

Former Rule, Quarantine Regulation 12. Amended effective July 1, 1975 (Supp. 75-1). Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (C) effective January 21, 1981 (Supp. 81-1). Amended effective August 11, 1987 (Supp. 87-3). Section R3-1-60 renumbered to R3-4-228 (Supp. 91-4).

**R3-4-229. Nut Tree Pests**

**A.** In addition to the definitions provided in A.R.S. § 3-201 and R3-4-102, the following terms apply to this Section:

1. "Brooding" means a virus-like disease that drastically reduces nut production and sometimes causes death of the host tree.
2. "Pest" means any of the following:
  - a. Pecan leaf casebearer, *Acrobasis juglandis* (LeBaron);
  - b. Pecan nut casebearer, *Acrobasis nuxvorella* (Neunzig);
  - c. Pecan phylloxera, *Phylloxera devastatrix*;
  - d. The pathogen that causes brooding disease of walnut.

**B.** Area under quarantine: All states, districts, and territories of the United States except California.

**C.** Infested area.

1. For *Arcobasis* spp.: All states and districts east of and including the states of Montana, Wyoming, Colorado, Oklahoma, and Texas; in New Mexico, the counties of Chaves, Lea, Roosevelt, Eddy, Dona Ana, Otero, and Quay.
2. For pecan phylloxera: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.
3. For brooding disease of walnut: All states and districts east of and including Montana, Wyoming, Colorado, and New Mexico.

**D.** Commodities covered:

1. All species and varieties of the following trees and all plant parts capable of propagation, except the nuts. Plant parts include buds, scions, and rootstocks:
  - a. Hickory and pecan (*Carya* spp.);
  - b. Walnut and butternut (*Juglans* spp.);
2. Pecan firewood;
3. Any used appliance, used box, or sack used during the growing, harvesting, handling, transporting, or storing nuts and hulls.

**E.** Restrictions:

1. The commodities listed in subsection (D)(1) shall be admitted into Arizona:
  - a. From the infested area prescribed in subsections (C)(1) and (C)(2) if treated at origin and each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (F);
  - b. From an area under quarantine outside the infested area, if each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming that the commodities originated in a county not known to be infested with the pests listed in subsections (A)(2)(a), (b), and (c).
2. The commodities listed in subsection (D)(1)(b) shall be:
  - a. Prohibited from entering Arizona from the infested area prescribed in subsection (C)(3);
  - b. Admitted into Arizona from an area under quarantine outside the infested area prescribed in subsection (C)(3), if each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming brooding is unknown in the origin county.
3. The commodities listed in subsections (D)(2) and (D)(3) are prohibited from entering the state unless fumigated as prescribed in subsection (F)(1).

**F.** Treatments:

1. Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 minutes, as follows:
  - a. 2 lbs. per 1,000 cu.ft. for four hours at 70° F or more,
  - b. 3 lbs. per 1,000 cu.ft. for four hours at 60-69° F.
2. A hot-water dip at 140° F or more for a minimum of 30 continuous seconds.
3. Appliances.
  - a. Steam-cleaned, inspected, and certified free from debris by the origin state, or
  - b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).
4. Any other treatment approved by the Associate Director.

**Historical Note**

Former Rule, Quarantine Regulation 13. Amended subsections (C), (E) and (G) effective May 5, 1986 (Supp. 86-3). Section R3-1-61 renumbered to R3-4-229 (Supp. 91-4). Amended effective January 16, 1996 (Supp. 96-1). Amended by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4). Subsection citation in subsection (E)(1)(b) amended to correct manifest typographical error (Supp. 03-2).

**R3-4-230. Tristeza or Quick Decline of Citrus**

**A.** Notice of quarantine: It has been determined that Tristeza or Quick Decline of Citrus is a dangerous pest of citrus and many other plants and is not of common distribution in the state of Arizona; that this pest is a serious threat to the citrus industry and ornamental horticulture of the state of Arizona. In order to prevent the introduction of this serious pest into the state of Arizona, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulation.

**B.** Pests: A Virus Disease of Citrus, Tristeza or Quick Decline, or any strain of this disease.

**C.** Area under quarantine: The entire state of Arizona.

**D.** Commodities covered: Meyer lemon shall mean the variety of citrus called Meyer lemon and also known as Chinese lemon or Oriental lemon and shall include the trees, seedlings, budded trees, buds or grafts or Meyer lemon grown on any root-stalk but shall not include the fruit of the Meyer lemon.

**E.** Restrictions:

Meyer lemon, Chinese or Oriental lemon: It shall be unlawful for any person, firm, corporation, company or society to grow, allow to grow, propagate, bud, graft, to sell, give away, transport or allow to be sold, given away or transported, any trees, plants or propagative parts of the variety of citrus known as Meyer lemon, within the quarantined area except that, when the University of Arizona Agricultural Experiment Station shall have tested and approved a strain of Meyer lemon which is free of Tristeza, or Quick Decline Disease, such strain may be propagated, grown and sold under special permit from the State Entomologist of Arizona.

**F.** Disposition of violations:

1. Meyer lemon: Any plant or tree of the Meyer lemon propagated, planted, started, transported or sold in violation of this quarantine regulation shall immediately be placed under quarantine by the State Entomologist of Arizona or his inspectors and shall be removed from the quarantined zone or destroyed at the option and expense of the owner or owners.
2. Destruction of diseased trees: Any citrus trees or plants which shall be found by indexing or testing to be infected with the Tristeza, or Quick Decline Disease, shall imme-

diately be removed and destroyed under the supervision of the State Entomologist or his inspectors. Upon determination that the tree or plant is infected with Tristeza, or Quick Decline Disease, the State Entomologist shall advise the owner or owners in writing that said tree is infected with the disease and that it shall be removed and destroyed under the supervision of an inspector of the Commission. If after seven days the owner or owners shall not have removed and destroyed the tree or plant, the State Entomologist or his inspector shall remove and destroy said plant.

- G. General rules: See “General Rules and Regulations, Article 1.”

#### Historical Note

Former Rule, Quarantine Regulation 14. Section R3-1-62 renumbered to R3-4-230 (Supp. 91-4).

#### R3-4-231. Nut Pests

- A. Definition. In addition to the definitions provided in A.R.S. § 3-201 and R3-4-102, the following term applies to this Section:

“Pest” means any of the following:

1. Pecan weevil, *Curculio caryae* (Horn);
2. Butternut curculio, *Conotrachelus juglandis* LeC;
3. Black walnut curculio, *Conotrachelus retentus* Say;
4. Hickory shuckworm, *Laspeyresia caryana* (Fitch).

- B. Area under quarantine:

1. Pecan weevil: All states and districts of the United States except California and New Mexico.
2. Hickory shuckworm: The New Mexico counties of Lea, Eddy, and Dona Ana, and all other states and districts of the United States except California.
3. Black walnut curculio and butternut curculio: All states and districts of the United States except California.

- C. Commodities covered:

1. Nuts of all species and varieties of hickory, pecan (*Carya spp.*), walnut and butternut (*Juglans spp.*), except extracted nut meats.
2. Any used appliance, used box or sack used during growing, harvesting, handling, transporting, or storing nuts and hulls.

- D. Restrictions:

1. A commodity listed in subsection (C)(1), originating in or shipped from the area under quarantine, shall be admitted into Arizona if the commodity has been cleaned of husks, hulls, debris, and sticktights and each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (E).
2. A commodity listed in subsection (C)(2) shall be admitted into Arizona if the commodity has been fumigated as prescribed in subsections (E)(3) and (E)(4).

- E. Treatment:

1. Cold treatment: The commodities shall be held in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours). The treatment shall not start until the entire content of the lot of nuts has reached 0° F.
2. A hot-water bath treatment at 140° F for a minimum of five continuous minutes. Water temperature shall be maintained at or above 140° F during the entire treatment period.
3. Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 continuous minutes, as follows:
  - a. 2 lbs. per 1,000 cu. ft. for four hours at least 70° F, or
  - b. 3 lbs. per 1,000 cu. ft. for four hours at 60-69° F.
4. Appliances.

- a. Steam-cleaned, inspected, and certified free from debris by the origin state,
- b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).

#### Historical Note

Former Rule, Quarantine Regulation 15. Amended effective July 13, 1989 (Supp. 89-3). Section R3-1-63 renumbered to R3-4-231 (Supp. 91-4). Amended by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4).

#### R3-4-232. Repealed

#### Historical Note

Former Rule, Quarantine Regulation 16. Repealed effective February 16, 1979 (Supp. 79-1). Section R3-1-64 renumbered to R3-4-232 (Supp. 91-4).

#### R3-4-233. Lettuce Mosaic

- A. Definitions. In addition to the definitions provided in R3-4-201, the following terms apply to this Section:

1. “Integrity” means the planting location is free from the pest.
2. “Mosaic-indexed” means lettuce seed that has been tested by a laboratory approved by a state in which the laboratory is located. The testing sample shall contain at least 30,000 seeds and no seeds shall be found infected with the pest.
3. “Pest” means the virus, lettuce mosaic.

- B. Area Under Quarantine: All states and districts of the United States.

- C. Commodities Covered: Plants and plant parts, including seeds, of all varieties of lettuce, *Lactuca sativa*.

- D. Restrictions.

1. Any lettuce seed imported into, transported within, planted, or sold in Arizona shall be mosaic-indexed unless authorized by a permit established in subsection (E).
2. Each container or subcontainer of seed shall bear a label with the statement “Zero infected seeds per 30,000 tested (0 in 30,000),” or shall be accompanied by an official certificate from the state of origin attesting that the seed is mosaic-indexed.
3. Lettuce transplants imported into, transported within, planted, or sold in Arizona shall be accompanied by an official certificate from the origin state that includes:
  - a. The name of the exporter,
  - b. The variety name and lot number of the seed from which the transplants were grown, and
  - c. Verification that the seeds from which the transplants were grown meet the requirement in subsection (E)(1).
4. Exemptions. The requirements of subsection (D) do not apply to:
  - a. Lettuce seed sold in retail packages of 1 oz. or less to the homeowner for noncommercial planting, or
  - b. Any shipment of lettuce transplants consisting of five flats or less per receiver for noncommercial planting.

- E. Permits:

1. A lettuce breeder or researcher may apply for a permit for lettuce seed or transplants that have not been mosaic-indexed, provided:
  - a. Each permit is for a 1/20 acre plot or less,
  - b. The applicant monitors the lettuce for pest symptoms,
  - c. The applicant verifies the integrity of the fields,

- d. All plants exhibiting pest symptoms are destroyed, and
  - e. The following statement appears on the bill of lading or invoice accompanying each shipment: "This shipment meets Arizona lettuce mosaic permit requirements. Permit number \_\_\_\_\_."
  2. A seed dealer may apply for a permit to import non-mosaic-indexed lettuce seed for temporary storage in Arizona, provided:
    - a. Non-mosaic-indexed lettuce seed is shipped out-of-state and not distributed for use in Arizona;
    - b. The seed dealer maintains and makes available for Department inspection during regular business hours an inventory record on all non-mosaic-indexed lettuce seed which includes:
      - i. The quantity and lot number of non-mosaic-indexed lettuce seed,
      - ii. The date and lot number of non-mosaic-indexed lettuce seed received by the seed dealer,
      - iii. The date and lot number of non-mosaic-indexed lettuce seed shipped out-of-state by the seed dealer, and
      - iv. The destination of each shipment.
    - c. The permit does not preclude inspection of non-mosaic-indexed lettuce seed upon entering Arizona.
  - F. A grower shall disk, or otherwise destroy all lettuce fields within 10 days after the last day of commercial harvest or abandonment, unless prevented by documented weather conditions or documented circumstances beyond the control of the grower, or in the case of a permittee, as soon as the purpose of the crop is completed.
  - G. Disposition of Violation.
    1. Any infected shipment of lettuce seed or transplants arriving in or found within the state, in violation of this Section, shall be immediately destroyed. The owner or the owner's agent shall bear the cost of the destruction.
    2. Any untested shipment of lettuce seed or transplants arriving in or found within the state, in violation of this Section, shall be immediately sent out-of-state or destroyed at the option of the owner or the owner's agent. The owner or the owner's agent shall bear the cost of the destruction or of sending the lettuce seed or transplants out-of-state.
    3. Any Arizona lettuce fields in violation of this Section shall be abated as established in A.R.S. §§ 3-204 and 3-205. The owner or person in charge may be assessed a civil penalty established in A.R.S. § 3-215.01.
    4. Violation of any provision of the permit may result in suspension or revocation of the permit.
- Historical Note**
- Former Rule, Quarantine Regulation 17. Amended effective July 1, 1975 (Supp. 75-1). Section R3-1-65 renumbered to R3-4-233 (Supp. 91-4). Section repealed; new Section adopted effective December 2, 1998 (Supp. 98-4). Amended effective December 2, 1998 (Supp. 98-4).
- R3-4-234. Nematode Pests**
- A. Definition.
 

"Pest" means the reniform nematode, *Rotylenchulus reniformis*, and the burrowing nematode, *Radopholus similis* (Cobb).
  - B. Areas under quarantine.
    1. Reniform nematode.
      - a. The entire states of Florida and Hawaii.
      - b. The Commonwealth of Puerto Rico.
    2. Burrowing nematode.
      - a. The entire states of Florida and Hawaii.
      - b. In the state of Texas, the counties of, Cameron and Hildago.
      - c. The Commonwealth of Puerto Rico.
- c. In the state of Alabama, the counties of, Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Saint Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston.
  - d. In the state of Arkansas, the counties of Ashley, Jefferson, Lonoke, and Monroe.
  - e. In the state of Georgia, the counties of, Baker, Banks, Barrow, Bartow, Ben Hill, Berrien, Bleckley, Brooks, Bulloch, Burke, Calhoun, Candler, Catoosa, Charlton, Clarke, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Elbert, Emanuel, Franklin, Gordon, Grady, Hall, Hart, Houston, Jeff Davis, Jefferson, Jenkins, Johnson, Laurens, Lee, Macon, Marion, Miller, Mitchell, Montgomery, Morgan, Newton, Oconee, Peach, Pierce, Pulaski, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Terrell, Thomas, Tift, Tombs, Turner, Twiggs, Walker, Walton, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, and Worth.
  - f. In the state of Louisiana, the parishes of, Acadia, Ascension, Assumption, Avoyelles, Beauregard, Bossier, Caddo, Calcasieu, Caldwell, Catahoula, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Bernard, Saint Charles, Saint Helena, Saint John the Baptist, Saint Landry, Saint Tammany, Tangipahoa, Tensas, Terrebonne, West Baton Rouge, West Carroll, and Winn.
  - g. In the state of Mississippi, the counties of, Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Coahoma, Copiah, Covington, DeSoto, Forrest, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jones, Lafayette, Lee, Leflore, Lowndes, Madison, Marion, Marshall, Monroe, Noxubee, Oktibbeha, Panola, Perry, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Sunflower, Tallahatchie, Tippah, Tunica, Union, Warren, Washington, Yalobusha, and Yazoo.
  - h. In the state of North Carolina, the counties of, Cumberland, Harnett, Hoke, Johnston, Richmond, Robeson, Sampson, and Scotland.
  - i. In the state of South Carolina, the counties of, Calhoun, Clarendon, Darlington, Dillon, Florence, Kershaw, Lee, Marlboro, Orangeburg, Sumter, and Williamsburg.
  - j. In the state of Texas, the counties of, Brazos, Burleson, Cameron, Fort Bend, Hidalgo, Lynn, Robertson, Starr, Terry, Wharton, and Willacy.

- C. Regulated Commodities.
1. Soil;
  2. All plants with roots, including bulbs, corms, tubers, rhizomes, and stolons; and
  3. All plant cuttings for propagation.
- D. Exceptions to regulated commodities.
1. Industrial sand and clay;
  2. Orchids and plants produced epiphytically, if growing exclusively in or on soil-free material such as osmunda fiber, tree fern trunk, or bark;
  3. Aquatic plants, including species normally growing in, on, or under water;
  4. Dormant bulbs, corms, tubers, rhizomes, and stolons for propagation, if free from roots and soil; and
  5. All fleshy roots, corms, tubers, and rhizomes for edible or medicinal purposes, if free of soil.
- E. Quarantine Restrictions.
1. The Associate Director shall deny entry of a regulated commodity from an area under quarantine, whether moved directly from the area or by diversion or reconsignment, unless the regulated commodity is accompanied by an original certificate from the state of origin. The certificate shall state that the regulated commodity contained in the shipment is pest-free by one of the following methods:
    - a. The origin state determined through an annual survey conducted within the 12-month period immediately before shipment, that the pests do not exist on the property or in the facility used to grow the regulated commodity.
    - b. The regulated commodity in the shipment was sampled two weeks before shipment, and found pest-free.
    - c. The regulated commodity was protected from infestation of the pests by implementing all of the following steps:
      - i. Propagated from clean seed or from cuttings taken 12 inches or higher above ground level,
      - ii. Planted in sterilized soil or other material prepared or treated to ensure freedom from the pests,
      - iii. Retained in a sterilized container or bed,
      - iv. Placed on a sterilized bench or sterilized support 18 inches or higher from the ground or floor level, and
      - v. Found pest-free using a sampling method approved by the Associate Director.
  2. All regulated commodities entering Arizona shall be unloaded at destination into a quarantine holding area and held undisturbed for at least five calendar days until the Department confirms the regulated commodities are pest-free.
  3. An Arizona receiver of a regulated commodity shall establish a quarantine holding area approved by the Department that satisfies the following conditions:
    - a. The floor of the holding area shall be composed of a permeable surface, such as sand or soil, and shall be free from debris, grass, and weeds;
    - b. An outdoor quarantine holding area shall be at least 15 ft. from all masonry walls, property boundaries, and non-quarantined plants;
    - c. The quarantine holding area shall be isolated from public access, and surrounded by a fence or other barrier; and
    - d. The integrity and security of the holding area shall be maintained at all times.
  4. A cutting or bareroot regulated commodity may be placed in a container during the quarantine holding period. If the Associate Director determines that the regulated commodity is infested with a pest, the regulated commodity, container, and soil shall be transported out-of-state or destroyed by a method approved by the Associate Director.
  5. Pesticides and other chemicals shall not be applied to a regulated commodity in a quarantine holding area except under the direction and supervision of a Department inspector.
- F. Disposition of violations.
- If laboratory testing indicates a regulated commodity is infested with a pest, the regulated commodity shall be destroyed or transported out-of-state.
- Historical Note**
- Former Rule, Quarantine Regulation 18. Amended effective April 26, 1976 (Supp. 76-2). Repealed effective December 19, 1980 (Supp. 80-6). Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66 renumbered to R3-4-234 (Supp. 91-4). Section repealed; new Section made by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).
- R3-4-235. Repealed**
- Historical Note**
- Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.01 renumbered to R3-4-235 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).
- R3-4-236. Repealed**
- Historical Note**
- Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.02 renumbered to R3-4-236 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).
- R3-4-237. Repealed**
- Historical Note**
- Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.03 renumbered to R3-4-237 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).
- R3-4-238. Whitefly Pests**
- A. Definition.
- “Pest” means:
1. Citrus whitefly, *Dialeurodes citri* (Ashm.);
  2. Cloudy-winged whitefly, *Dialeurodes citrifolii* (Morgan);
  3. Woolly whitefly, *Aleurothrixus floccosus* (Maskell).
- B. Area under quarantine. Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.
- C. Commodities covered.
- Ailanthus* spp. (Tree of Heaven),  
*Amplopsis* spp. (Boston Ivy),  
*Bignonia capreolata* spp. (Cross Vine),  
*Choisya ternata* (Mexican Orange),  
*Citrus* spp.,  
*Diospyros* spp. (Persimmon),  
*Feijoa* spp. (Pineapple guava),  
*Ficus macrophyll* (Ficus),  
*Fortunella* spp. (Kumquat),  
*Gardenia* spp. (Gardenia or Cape Jasmine),  
*Ilex* spp. (Holly),

*Jasminum* spp. (Jasmine),  
*Lagerstroemia* spp. (Crape Myrtle),  
*Ligustrum* spp. (Privet),  
*Machura pomifera* (Osage Orange),  
*Melia* spp. (Chinaberry),  
*Musa* spp. (Banana Shrub),  
*Osmanthus* (Osmanthus) (Not tolerant to methyl bromide fumigation),  
*Plumaria* spp. (Frangipani, temple tree),  
*Poncirus* spp. (Trifoliate orange),  
*Prunus caroliniana* (Carolina Cherry Laurel),  
*Psidium* spp. (Guava),  
*Punica granatum* (Pomegranate),  
*Pyrus communis* (Pear),  
*Sapindus mukorossi* (Chinese Soapberry),  
*Smilax* spp. (Sarsparilla),  
*Syringa vulgaris* (Common Lilac), and  
*Viburnum* spp. (Viburnum).

**D. Restrictions.**

1. All covered commodities with foliage listed in subsection (C) shall be treated as prescribed in subsection (E) immediately before shipment and certified by an authorized official from the state of origin; or
2. The Director may issue a permit admitting a covered commodity subject to specific limitations, conditions, and provisions which eliminate the risk of the pest.

**E. Treatment.**

1. Methyl bromide fumigation. 2 1/2 pounds of methyl bromide per 1000 cu. ft. of chamber space for two hours at 80° F or more.
2. Sodium cyanide 99% chamber fumigation. 25cc HCN gas per 100 cu. ft. for one hour at not less than 18.3° C (60° F) or more than 29.4° C (85° F). Circulation shall be maintained during the entire fumigation period. Fruit fumigated with HCN gas shall be dry.
3. Chlorpyrifos. 4 lb. per gallon of Chlorpyrifos (4E) formulation in an emulsion of narrow range spray-oil (petroleum) oil, NR-415, emulsive.
  - a. 4.7 ml of Chlorpyrifos (4E), plus 19 ml of narrow range 415 oil per gallon of water, or
  - b. 16 fl. oz. of Chlorpyrifos (4E), plus 64 fl. oz. narrow range 415 oil per 100 gallons water.
  - c. Methods of treatment:
    - i. Dip. Totally submerge plant material for two minutes, remove for one minute, and submerge again for one minute. Then remove and let dry.
    - ii. Spray. Apply to all plant parts. Thoroughly drench all surfaces of leaves and all other aerial plant parts.

**Historical Note**

Former Rule, Quarantine Regulation 19. Amended effective April 26, 1976 (Supp. 76-2). Amended effective August 15, 1989 (Supp. 89-3). Section R3-1-67 renumbered to R3-4-238 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-239. Imported Fire Ants**

**A. Definitions.**

“Pest” means any species of imported fire ants, including *Solenopsis invicta* and *Solenopsis richteri*.

- B. Area under quarantine.** A state or portion of a state listed in 7 CFR 301.81-3, 68 FR 5794, February 5, 2003, and any area a state declares infested. This material is incorporated by reference, on file with the Department and the Office of the Secre-

tary State, and does not include any later amendments or editions.

**C. Regulated commodities.**

1. Soil, except potting soil shipped in an original container in which the potting soil is packaged after commercial preparation; and
2. All plants associated with soil, except:
  - a. Plants that are maintained indoors year-round, and are not for sale; and
  - b. Plants shipped bare-root and free of soil.

**D. Restrictions.**

1. A shipper of a regulated commodity shall unload a regulated commodity at destination into an approved quarantine holding area as prescribed in subsection (D)(2). The Department shall inspect and quarantine the regulated commodity as follows:
  - a. Soil and plants associated with soil from an area under quarantine in subsection (B) shall be held at least three consecutive days, and
  - b. Soil and plants associated with soil from an area under quarantine for nematodes under R3-4-234(B) shall be held at least five consecutive days.
2. An Arizona receiver of a regulated commodity shall establish a Department-approved quarantine holding area that meets the following specifications:
  - a. The floor is of a permeable surface, such as sand or soil, and free from debris, grass, or weeds;
  - b. The area is isolated from public access, surrounded by a fence or other barrier;
  - c. The integrity and security of the area is maintained at all times; and
  - d. If outdoors, the area is at least 15 feet from any masonry wall, property boundary, or non-quarantine plant.
3. A receiver shall apply a pesticide or other chemical to a regulated commodity located in a quarantine holding area only when directed and supervised by a Department inspector.

- E. Disposition of commodity not in compliance.** A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.

**Historical Note**

Former Rule, Quarantine Regulation 20. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Correction amendment effective April 26, 1976 included deletion of Arkansas (see subsection (C)) (Supp. 77-1). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). New Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-68 renumbered to R3-4-239 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 2095, effective August 2, 2003 (Supp. 03-2).

**R3-4-240. Apple Maggot and Plum Curculio**

- A. Definitions.** The following term applies to this Section:

“Pest” means:

1. Apple maggot, *Rhagoletis pomonella* (Walsh); or
2. Plum curculio, *Conotrachelus nenuphar*.

- B. Area under quarantine.** All states, territories, and districts of the United States.

- C. Regulated commodities.** The fresh fruit of the following plants:  
*Chaenomeles* spp. (Quince),



*Crataegus* spp. (Hawthorne),  
*Malus* spp. (Apple),  
*Prunus* spp. (Apricot, Cherry, Nectarine, Peach, Plum, and Prune), and  
*Pyrus communis* spp. (Pear).

**D. Restrictions.**

1. A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, attesting that the regulated commodity was:
  - a. Held in an approved controlled atmosphere storage facility for a minimum of 90 continuous days at a maximum temperature of 38° F, or
  - b. Held in an approved cold storage facility for a minimum of 40 continuous days at a maximum temperature of 32° F.
2. The Director may issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (D)(1) if the commodity originates from an area:
  - a. That is certified to be pest-free, or
  - b. That is infested, but where an on-going pest eradication program exists that is acceptable to the Director of the Arizona Department of Agriculture.

- E. Disposition of commodity not in compliance.** A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.

**Historical Note**

Former Rule, Quarantine Regulation 21. Amended effective December 5, 1974 (Supp. 75-1). Amended effective June 16, 1977 (Supp. 77-3). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-69 renumbered to R3-4-240 (Supp. 91-4). Amended by final rulemaking at 9 A.A.R. 1046, effective May 5, 2003 (Supp. 03-1).

**R3-4-241. Lethal Yellowing of Palms**

- A. Definitions.** The following term applies to this Section: "Pest" means:
1. A pathogen, a non-cultivable mollicute, causing lethal yellowing of palms; or
  2. *Myndus crudus*, a planthopper that vectors the pathogen.
- B. Area under quarantine.**
1. In the state of Florida, the following counties: Broward, Collier, Hendry, Lee, Martin, Miami-Dade, Monroe, and Palm Beach.
  2. In the state of Texas, the following counties: Cameron, Hidalgo, and Willacy.
- C. Regulated commodities.** All propagative parts of the following plants, except seed:
- Aiphanes lindeniana*,  
*Allagoptera arendria*,  
*Andropogon virginicus* (Broomsedge),  
*Arenga engleri*,  
*Borassus flabellifer* (Palmyra Palm),  
*Caryota mitis* (Cluster Fishtail Palm),  
*Caryota rumphiana* (Giant Fishtail Palm),  
*Chelyocarpus chuco*,  
*Chrysalidocarpus cabadae*, syn. *Dypsis cabadae* (Cabada Palm),  
*Cocos nucifera* (Coconut Palm),  
*Corypha elata* (Buri Palm),  
*Cynodon dactylon* (Bermuda Grass),  
*Cyperus* spp. (Sedges),

*Dictyosperma album* (Princess Palm),  
*Eremochloa ophiuroides* (Centipede Grass),  
*Gaussia attenuata* (Puerto Rican Palm),  
*Howea belmoreana* (Belmore Sentry Palm),  
*Latania* spp. (Latan Palm),  
*Livistona chinensis* (Chinese Fan Palm),  
*Livistona rotundifolia* (Javanese Fan Palm),  
*Mascarena verschaffeltii* (Spindle Palm),  
*Nannorrhops ritchiana* (Mazari Palm),  
*Neodypsis decaryi*, syn. *Dypsis decaryi* (Triangle Palm),  
*Pandanus utilis* (Screw Pine),  
*Panicum purpurascens* (Para Grass),  
*Panicum bartowense*,  
*Paspalum notatum* (Bahia Grass),  
*Phoenix canariensis* (Canary Island Date Palm),  
*Phoenix dactylifera* (Date Palm),  
*Phoenix reclinata* (Sengal Date Palm),  
*Phoenix rupicola* (Cliff Date Palm),  
*Phoenix sylvestris* (Wild Date Palm),  
*Phoenix zeylanica* (Ceylon Date Palm),  
*Polyandrococos caudescens*,  
*Pritchardia* spp.,  
*Ravenea hildebrandtii*,  
*Stenotaphrum secundatum* (St. Augustine Grass),  
*Syagrus schizophylla*,  
*Trachycarpus fortunei* (Windmill Palm),  
*Veitchia* spp., and  
*Zoysia* spp. (Zoysia Grass).

- D. Restrictions.** A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine.

- E. Disposition of commodity not in compliance.** A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.

**Historical Note**

Former Rule, Quarantine Regulation 22. Repealed effective April 25, 1977 (Supp. 77-2). New Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-70 renumbered to R3-4-241 (Supp. 91-4). Amended by final rulemaking at 9 A.A.R. 1046, effective May 5, 2003 (Supp. 03-1).

**R3-4-242. Brown Citrus Aphid**

- A. Area Under Quarantine:** Hawaii and any county in Florida that, by notification from the Florida Department of Agriculture and Consumer Services, is infested with the brown citrus aphid.
- B. Commodities covered:** All plants, except seed and fruit.
- C. Restrictions.**
1. The species, subspecies, varieties, ornamental forms, and any hybrid having at least one ancestor of the following genera are prohibited from entering the state:
    - a. *Citrus*,
    - b. *Fortunella*, and
    - c. *Poncirus*,
  2. All other covered commodities, whether moved directly from the area under quarantine or by diversion or reconsignment from any other point, are prohibited from entering Arizona unless the following requirements are met:
    - a. Aquatic plants are accompanied by an original certificate affirming that the commodity was inspected and found free of the pest within five days before shipment.
    - b. Terrestrial plants are accompanied by an original certificate affirming that the commodity was treated,

as prescribed in subsection (E), within five days before shipment.

c. The certificate shall indicate:

- i. The common chemical name of the product's active ingredient,
- ii. The rate at which the product was applied, and
- iii. The treatment date.

D. The Director may issue a permit admitting a covered commodity subject to specific limitations, conditions, and provisions that eliminate the risk of the pest.

E. Treatment.

1. An application of a pesticide labeled for the treatment of aphids applied according to label instructions, or
2. Any other treatment approved by the Director.

**Historical Note**

Former Rule, Quarantine Regulation 23. Amended effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-5). Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-71 renumbered to R3-4-242 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-243. Repealed**

**Historical Note**

Former Rule, Quarantine Regulation 24. Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-72 renumbered to R3-4-243 (Supp. 91-4).

**R3-4-244. Regulated and Restricted Noxious Weeds**

A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, the following terms apply to this Section:

1. "Habitat" means any aquatic area within Arizona, such as canals, drainage ditches, ponds, and lakes.
2. "Infested area" means each individual container in which a pest is found or the specific area that harbors a pest.
3. "Regulated pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state may be controlled to prevent further infestation or contamination:

*Cenchrus echinatus* L. -- Southern sandbur,  
*Cenchrus incertus* M.A. Curtis -- Field sandbur,  
*Convolvulus arvensis* L. -- Field bindweed,  
*Eichhornia crassipes* (Mart.) Solms -- Floating waterhyacinth,  
*Medicago polymorpha* L. -- Burclover,  
*Portulaca oleracea* L. -- Common purslane,  
*Tribulus terrestris* L. -- Puncturevine.

4. "Restricted pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state shall be quarantined to prevent further infestation or contamination:

*Acroptilon repens* (L.) DC. -- Russian knapweed,  
*Aegilops cylindrica* Host. -- Jointed goatgrass,  
*Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,  
*Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),  
*Centaurea diffusa* L. -- Diffuse knapweed,  
*Centaurea maculosa* L. -- Spotted knapweed,  
*Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),  
*Cuscuta* spp. -- Dodder,

*Eichhornia crassipes* (Mart.) Solms -- Floating waterhyacinth,  
*Elytrigia repens* (L.) Nevski -- Quackgrass,  
*Euryops sunbarnosus* subsp. *vulgaris* -- Sweet resinbush,  
*Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,  
*Helianthus ciliaris* DC. -- Texas blueweed,  
*Ipomoea triloba* L. -- Three-lobed morning glory,  
*Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,  
*Onopordum acanthium* L. -- Scotch thistle.

B. Area under quarantine: All infested areas within the state.

C. The following commodities are hosts or carriers of the regulated or restricted pest:

1. All plants other than those categorized as a regulated or restricted pest;
2. Forage, straw, and feed grains;
3. Live and dead flower arrangements;
4. Ornamental displays;
5. Aquariums; and
6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.

D. The Department may quarantine any commodity, habitat, or area infested or contaminated with a regulated pest and notify the owner or carrier of the restrictions and treatments listed in subsections (F) and (G). If the regulated pest is not quarantined, the Department shall provide the grower with technical information on effective weed control activities through integrated pest management.

E. The Department shall quarantine any commodity, habitat, or area infested or contaminated with a restricted pest and shall notify the owner or carrier of the restrictions and treatments of the pest listed in subsections (F) and (G).

F. Restrictions.

1. No regulated or restricted pest or commodity infested or contaminated with a regulated or restricted pest shall be moved to a non-infested area unless the Director issues a permit for the transporting or propagating of the pest.
2. An owner or the owner's representative shall notify the Department at least two working days in advance of moving contaminated equipment from an infested area.
3. The Department may inspect all equipment within two working days after a request to inspect the equipment is made if the equipment:
  - a. Has been moved into or through a non-infested area;
  - b. Has not been treated; or
  - c. Has been used to harvest an infested crop within the past 12 months.

G. Treatments.

1. An owner or the owner's representative shall treat all soil and debris from equipment used in a quarantined area until it is free of the regulated or restricted pest before the equipment is moved. Removal or destruction of the restricted or regulated pest shall be accomplished through one of the following methods:
  - a. Autoclaving.
    - i. Dry heat. The commodity shall be heated for 15 minutes at 212° F.
    - ii. Steam heat. The commodity shall be heated for 15 minutes at 212° F;
  - b. Fumigating with ethylene oxide, chamber only: The commodity shall be fumigated with 1,500 mg/L for four hours in a chamber pre-heated to 115-125° F;
  - c. High-pressure water spray;

- d. Crushing;
  - e. Incinerating; or
  - f. Burying in a sanitary landfill to a depth of six feet.
2. An owner or the owner's representative shall treat an infested area or habitat, including the area within the crop, rangeland, roadside, or private property, with treatments based on an integrated pest management program appropriate to the commodity. The treatments shall take place under the direction of an inspector and shall include:
- a. Reshipment from the state;
  - b. Manual removal;
  - c. Application of a herbicide;
  - d. Biological control including insects, fungi, nematodes, or microbes; or
  - e. Any other treatment approved by the Director.

#### Historical Note

Former Rule, Quarantine Regulation 25. Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-73 renumbered to R3-4-244 (Supp. 91-4). New Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2).

#### R3-4-245. Prohibited Noxious Weeds

- A. Definition. In addition to the definitions provided in A.R.S. § 3-201, the following apply to this Section:

1. "Habitat" means any aquatic area within Arizona, such as canals, drainage ditches, ponds, and lakes.
2. "Infested area" means each individual container in which a pest is found, the specific area that harbors the pest, or any shipment that has not been released to the receiver and is infested with a pest.
3. "Pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), that are prohibited from entering the state:

*Acroptilon repens* (L.) DC. -- Russian knapweed,  
*Aegilops cylindrica* Host. -- Jointed goatgrass,  
*Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,  
*Alternanthera philoxeroides* (Mart.) Griseb. -- Alligator weed,  
*Cardaria pubescens* (C.A. Mey) Jarmolenko -- Hairy whitetop,  
*Cardaria chalapensis* (L.) Hand-Muzz -- Lens podded hoary cress,  
*Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),  
*Carduus acanthoides* L. -- Plumeless thistle,  
*Cenchrus echinatus* L. -- Southern sandbur,  
*Cenchrus incertus* M.A. Curtis -- Field sandbur,  
*Centaurea calcitrapa* L. -- Purple starthistle,  
*Centaurea iberica* Trev. ex Spreng. -- Iberian starthistle,  
*Centaurea squarrosa* Willd. -- Squarrose knapweed,  
*Centaurea sulphurea* L. -- Sicilian starthistle,  
*Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),  
*Centaurea diffusa* L. -- Diffuse knapweed,  
*Centaurea maculosa* L. -- Spotted knapweed,  
*Chondrilla juncea* L. -- Rush skeletonweed,  
*Cirsium arvense* L. Scop. -- Canada thistle,  
*Convolvulus arvensis* L. -- Field bindweed,

*Coronopus squamatus* (Forskal) Ascherson -- Creeping wartcress (*Coronopus*),  
*Cucumis melo* L. var. *Dudaim* Naudin -- Dudaim melon (Queen Anne's melon),  
*Cuscuta* spp. -- Dodder,  
*Drymaria arenarioides* H.B.K. -- Alfombrilla (Lightningweed),  
*Eichhornia azurea* (SW) Kunth. -- Anchored waterhyacinth,  
*Elytrigia repens* (L.) Nevski -- Quackgrass,  
*Euphorbia esula* L. -- Leafy spurge,  
*Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,  
*Helianthus ciliaris* DC. -- Texas blueweed,  
*Hydrilla verticillata* Royale -- Hydrilla (Florida-elodea),  
*Ipomoea* spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, three-lobed morning glory (which is considered a restricted pest); and *Ipomoea aborescens*, morning glory tree,  
*Ipomoea triloba* L. -- Three-lobed morning glory,  
*Isatis tinctoria* L. -- Dyers woad,  
*Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,  
*Lythrum salicaria* L. -- Purple loosestrife,  
*Medicago polymorpha* L. -- Burclover,  
*Nassella trichotoma* (Nees.) Hack. -- Serrated tussock,  
*Onopordum acanthium* L. -- Scotch thistle,  
*Orobancha ramosa* L. -- Branched broomrape,  
*Panicum repens* L. -- Torpedo grass,  
*Peganum harmala* L. -- African rue (Syrian rue),  
*Portulaca oleracea* L. -- Common purslane,  
*Rorippa austriaca* (Crantz.) Bess. -- Austrian fieldcress,  
*Salvinia molesta* -- Giant Salvinia,  
*Senecio jacobaea* L. -- Tansy ragwort,  
*Solanum carolinense* L. -- Carolina horsenettle,  
*Sonchus arvensis* L. -- Perennial sowthistle,  
*Solanum viarum* Dunal -- Tropical Soda Apple,  
*Stipa brachychaeta* Godr. -- Puna grass,  
*Striga* spp. -- Witchweed,  
*Trapa natans* L. -- Water-chestnut,  
*Tribulus terrestris* L. -- Puncturevine.

- B. Area under quarantine: All states, districts, and territories of the United States except Arizona.
- C. The following commodities are hosts or carriers of the pest:
  1. All plants and plant parts other than those categorized as a pest;
  2. Forage, straw, and feed grains;
  3. Live or dead flower arrangements;
  4. Ornamental displays;
  5. Aquariums; and
  6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.
- D. The Department shall quarantine any commodity, habitat, or area infested or contaminated with a pest and shall notify the owner or carrier of the methods of removing or destroying the pest from the commodity, habitat, or area. The Department shall reject any shipment not released to the receiver and reship to the shipper.
- E. Restrictions:
  1. No pest or commodity infested or contaminated with a pest shall be admitted into the state unless the Director

issues a permit for the transporting or propagating of the pest.

2. The Department shall regulate the movement of the commodity out of a quarantined area within the state until the pest is eradicated. Any shipment or lot of a commodity infested or contaminated with a pest arriving in the state in violation of this quarantine shall, according to A.R.S. § 3-205(A), be immediately reshipped from the state, or treated or destroyed using one of the following methods:
  - a. The commodity shall be fumigated with 1,500 mg/L of ethylene oxide for four hours in a chamber preheated to 115-125° F;
  - b. Incinerating;
  - c. Burying in a sanitary landfill to a depth of six feet;
  - d. Application of a herbicide; or
  - e. Any other treatment approved by the Director.

#### Historical Note

Former Rule, Quarantine Regulation 26. Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (B) effective May 2, 1986 (Supp. 86-3). Section R3-1-74 renumbered to R3-4-245 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2).

#### R3-4-246. Caribbean Fruit Fly

- A. Definitions. The following term applies to this Section: “Pest” means all life stages of the Caribbean fruit fly, *Anastrepha suspensa*.
- B. Area under quarantine.
  1. In the state of Florida, the following counties: Alachua, Brevard, Broward, Charlotte, Citrus, Collier, DeSoto, Duval, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia.
  2. The Commonwealth of Puerto Rico.
- C. Regulated commodities.
  1. The fresh fruit of the following plants:
    - Actinidia chinensis* (Kiwi),
    - Annona glabra* (Pond Apple),
    - Annona* hybrid,
    - Annona squamosa* (Sugar Apple),
    - Atalantia citriodes*,
    - Averrhoa carambola* (Carambola),
    - Blighia sapida* (Akee),
    - Canella winteriana* (Wild Cinnamon),
    - Capsicum frutescens* (Bell Pepper),
    - Carica papaya* (Papaya),
    - Carissa grandiflora* (Natal Plum),
    - Casimiroa edulis* (White Sapote),
    - Chrysobalanus icaco* (Cocoplum),
    - Citrus aurantiifolia* (Lime),
    - Citrus aurantium* (Sour Orange),
    - Citrus limonia* (Rangpur Lime),
    - Citrus nobilis* ‘unshu’ x *Fortunella* sp. (Jack Orangequat),
    - Citrus paradisi* (Grapefruit),
    - Citrus paradisi* x *C. reticulata* (Tangelo),
    - Citrus reticulata* (Tangerine),
    - Citrus sinensis* (Sweet Orange),
    - Citrus sinensis* x *C. reticulata* (Temple Orange),
    - Clausena lansium* (Wampee),
    - Dimocarpus longan* (Longan),
    - Diospyros blancoi* (Velvet Apple or Velvet Persimmon),

*Diospyros khaki* (Japanese Persimmon),  
*Dovyalis caffra* (Kei Apple),  
*Dovyalis hebecarpa* (Ceylon Gooseberry),  
*Drypetes lateriflora* (Guiana Plum),  
*Eriobotrya japonica* (Loquat),  
*Eugenia aggregata* (Cherry of the Rio Grande),  
*Eugenia brasiliensis* (Grumichama),  
*Eugenia coronata*,  
*Eugenia ligustrina*,  
*Eugenia luschnathiana* (Pitomba),  
*Eugenia uniflora* (Surinam Cherry),  
*Ficus altissima*,  
*Ficus carica* (Fig),  
*Flacourtia indica* (Governor’s Plum),  
*Fortunella* spp. (Kumquat),  
*Garcinia livingstonei* (Imbe),  
*Garcinia xanthochymus*,  
*Litchi chinensis* (Lychee),  
*Lycopersicon esculentum* (Tomato),  
*Malpighia glabra* (Barbados Cherry),  
*Malus sylvestris* (Apple),  
*Mangifera indica* (Mango),  
*Manilkara jaimiqui* spp. *Emarginata* (Wild Dilly),  
*Manilkara roxburghiana*,  
*Manilkara zapota* (Sapodilla),  
*Momordica charantia* (Wild Balsam Apple),  
*Muntingia calabura* (Calbur),  
*Murraya paniculata* (Orange Jasmine),  
*Myciaria cauliflora* (Jaboticaba),  
*Myrcianthes fragrans*,  
*Myricaria glomerata*,  
*Persea americana* (Avocado),  
*Pimenta dioica* (Allspice),  
*Pouteria campechiana* (Egg Fruit),  
*Prunus persica* (Nectarine),  
*Prunus persica* (Peach),  
*Pseudanmomis umbellulifera*,  
*Psidium* spp. (Guava),  
*Punica granatum* (Pomegranate),  
*Pyrus communis* (Pear),  
*Pyrus pyrifolia* (Japanese Pear),  
*Pyrus pyrifolia* x *Pyrus communis* (Kieffer Pear),  
*Rheedia aristata*,  
*Rubus hybrid* (Blackberry),  
*Severinia buxifolia* (Box Orange),  
*Spondias cytherea* (Otaheite Apple),  
*Synsepalum dulcificum* (Miracle Fruit),  
*Syzygium cumini* (Jambolan Plum),  
*Syzygium jambos* (Rose Apple),  
*Syzygium samarangense* (Java Apple),  
*Terminalia catappa* (Tropical Almond),  
*Terminalia muelleri*,  
*Trevisia palmata*,  
*Triphasia trifolia* (Limeberry),  
*X Citrofortunella floridana* (Limequat), and  
*X Citrofortunella mitis* (Calamondin).

2. Soil or planting media within the drip area of plants producing, or that have produced, a regulated commodity.
- D. Restrictions. A regulated commodity produced in or shipped from an area under quarantine is prohibited entry into Arizona unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, affirming compliance with one of the following:
  1. Citrus fruit (*Citrus* spp. and *Fortunella* spp.) has been fumigated with methyl bromide (“Q” label only) for a minimum of two hours under the following conditions:

Pulp Temperature	Rate per 1000 cu. ft.
No less than 60° F to 79° F	3 pounds
80° F or above	2 1/2 pounds

2. Non-citrus fruit has been treated in compliance with a treatment plan approved by the Director.

E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.

#### Historical Note

Adopted effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-1). Amended effective May 10, 1988 (Supp. 88-2). Section R3-1-75 renumbered to R3-4-246 (Supp. 91-4). Amended by final rulemaking at 9 A.A.R. 2098, effective August 2, 2003 (Supp. 03-2).

#### R3-4-247. Repealed

#### Historical Note

Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-76 renumbered to R3-4-247 (Supp. 91-4).

#### R3-4-248. Japanese beetle

##### A. Definitions.

1. "Host commodities" means the commodities listed in the JBHP, Appendix 5.
2. "JBHP" means the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised September 5, 2000.
3. "Pest" means the Japanese beetle, *Popillia japonica* (Newman).

B. Area under quarantine: All areas listed in the JBHP, which is incorporated by reference, does not include any later amendments or editions, and is on file with the Department, the Office of the Secretary of State, and the National Plant Board at [www.aphis.usda.gov/npb](http://www.aphis.usda.gov/npb). The incorporated material includes the following changes:

1. Appendix 1, delete the words "(except sod)."
2. Appendix 5, definition of host commodities, delete the words "grass sod."

C. Host commodities covered. All commodities, except grass sod, listed in the JBHP.

D. An out-of-state grower who imports a host commodity into Arizona shall comply with the JBHP, except as provided under subsection (E).

##### E. Restrictions on importation.

1. An out-of-state grower shall not import into Arizona a host commodity under subsection (C) from an area under quarantine unless the commodity is accompanied by an original certificate issued by an official of the origin state ensuring compliance with the requirements of the JBHP, Appendix 1.
2. The Associate Director may admit grass sod from an out-of-state grower for shipment to Arizona if:
  - a. The out-of-state grower requests an exception agreement from the Department;
  - b. The out-of-state grower, the state plant regulatory official of the origin state, and the Associate Director sign an agreement that includes the following terms:
    - i. The out-of-state grower shall ship sod grown only in a Japanese beetle-free county;

- ii. The origin state's plant regulatory official shall place and monitor Japanese beetle traps on the grass sod farm during the agreement period. At least one trap shall be placed on each 10 acres of land. A buffer zone of a one-mile radius shall be established around the grass sod farm, and two traps per square mile shall be placed in the buffer zone. The Department shall revoke the agreement if the origin state documents that one or more Japanese beetles are detected in any trap;

- iii. The origin state's plant regulatory official or designee shall inspect sod before shipment to ensure it is free of the pest; and

- iv. The out-of-state grower shall ship sod to Arizona only through the ports of entry on I-10 or I-40.

- c. Both the out-of-state grower and the origin state's plant regulatory official shall perform any other requirement established by the Associate Director to ensure the grass sod is free from all life stages of Japanese beetle.

##### 3. Exemptions from importation ban:

- a. Privately-owned houseplants grown indoors; and
- b. Commodities that are treated by the grower for Japanese beetle may be imported into Arizona if the Associate Director approves the treatment method before shipment.

#### Historical Note

Adopted effective June 16, 1977 (Supp. 77-3). Section R3-1-77 renumbered to R3-4-248 (Supp. 91-4). Amended by final rulemaking at 7 A.A.R. 5345, effective November 8, 2001 (Supp. 01-4).

### ARTICLE 3. NURSERY RULES

#### R3-4-301. Special nursery certification; definitions

In this Article, unless the context otherwise requires:

1. "Certificate" means a document issued by the State Entomologist or by an inspector of the Commission stating that an agricultural commodity complies with the criteria set forth by an agricultural agency of any state, county, or commonwealth.
2. "Common pest" means a pest, weed or disease which is not under state or federal quarantine or eradication program and is of general distribution within this state.
3. "Injurious plant pests, weeds, and diseases" means any serious pest or common pest that is above the determined levels standard for common pests listed in Field Service Policy #8, dated March 24, 1988, incorporated herein by reference and on file with the Office of the Secretary of State.
4. "Laboratory disease analysis" means the processing of a sample so that any of the following examination and pathogen identification procedures may be utilized -- light transmitted microscopy, culturing, inoculations, greenhouse grow out, serology, extraction, electron microscopy.
5. "Misuse or misrepresentation of certification" means reproduction of certificates not allowed pursuant to this Article without written permission of the Commission, alteration of certificates, use of certificates to represent noncertified plant material, use of certificates to imply Arizona origin in order to avoid regulatory action by an agricultural official of the state, county or commonwealth scheduled to receive the nursery stock.

6. "Nursery location" means a parcel of ground operated as one unit with one physical address, upon which nursery stock is propagated or grown for commercial purposes.
7. "Nurseryman" means any person engaged in the production of nursery stock for commercial purposes.
8. "Serious pest" means a pest, weed or disease under state or federal quarantine or eradication programs or a pest, weed or disease which causes crop damage or is a nuisance or public health threat and which has not been found or is of limited distribution in this state.
9. "Special nursery certification inspection" means an inspection carried out at the request of a nurseryman for the purpose of determining whether or not a certificate can be issued.

#### Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-301 renumbered from R3-1-301 (Supp. 91-4).

#### R3-4-302. Special nursery certification; Arizona certified nursery inspections

- A. Inspection and fee. Upon written application from a nurseryman and payment of an annual \$30 fee per nursery location, an inspector of the Commission shall annually inspect a representative sample of all nursery stock at each nursery location to determine if the nursery stock meets all the requirements of certification for Arizona certified nurseries listed below.
- B. Certification requirements. To qualify as an Arizona certified nursery, a nursery shall either be pest free or comply with the following actions required in a written remedial order issued by an inspector of the Commission.
  1. If nursery stock is found infested or infected with serious pests, it shall be quarantined until the pest has been eradicated.
  2. If nursery stock is infested or infected with common pests at detrimental levels, it shall be kept under a treatment program. Detrimental levels of common pests are specified in Arizona Commission of Agriculture and Horticulture Field Services Policy #8 dated March 24, 1988, incorporated herein by reference and on file with the Office of the Secretary of State. The treatment program shall include the use of a pesticide registered for use in Arizona on the nursery stock, at the intervals specified on the label, or effective cultural control measures.
- C. Duration and use of Arizona certified nursery certificate. A current certificate declaring the nursery to be an Arizona certified nursery may be duplicated by the applicant in order to reproduce shipping labels. The expense of reproducing the certificate shall be borne by the applicant. The certificate shall be valid for 12 months from the date of issuance, unless revoked as provided in Section R3-4-306(C) or (D).
- D. A nursery does not have to be an Arizona certified nursery to do business in the state of Arizona.

#### Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-302 renumbered from R3-1-301 (Supp. 91-4).

#### R3-4-303. Special nursery certification; ozonium root rot inspection

- A. Inspection and fee. Upon written application from a nurseryman, an inspector of the Commission shall, for a fee of \$50 per nursery location, perform an inspection as is necessary to determine whether an ozonium root rot certification can be issued.
- B. Certification requirements. Ozonium root rot certification requirements are specified in Arizona Commission of Agriculture and Horticulture Field Services Policy #7 dated June 24,

1987, incorporated herein by reference and on file with the Office of the Secretary of State.

#### C. Duration and use of ozonium root rot certificate:

1. Ozonium root rot certification shall remain valid unless revoked as provided in Section R3-4-306(C) or (D).
2. A certificate issued by the Commission cannot be reproduced without written permission of the Commission.

#### Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-303 renumbered from R3-1-303 (Supp. 91-4).

#### R3-4-304. Special nursery certification; other certification inspections

- A. Inspection and fee. Upon the written request of a nurseryman and payment of the appropriate fee as specified below, the Commission shall perform those special nursery inspections for pests, weeds or diseases not otherwise specified in Section R3-4-302 or R3-4-303. The category of inspection selected and the plant pest, weed, or disease involved shall be determined by the certification requirements of the state, county or commonwealth which is scheduled to receive shipments of Arizona nursery stock. These requirements are in addition to the minimum shipping requirements applicable to Arizona certified nurseries.
  1. Shipment inspection. For an inspection which requires no more than one visit by an inspector to certify nursery stock scheduled to be transported by vehicle, the fee shall be \$10 per vehicle. The shipment shall leave for its destination within five working days following inspection or a new certification shall be required.
  2. Entire nursery location. For an inspection necessary to certify an entire nursery location, the fee shall be \$30 per nursery location.
  3. Laboratory inspection. Fees for an inspection requiring laboratory disease analysis shall be assessed according to the following schedule. For the purpose of this rule, an inspection for laboratory disease analysis shall be the examination of one sample.
    - a. The fee for inspection of a sample for bacterium shall be \$50.
    - b. The fee for inspection of a sample for nematodes shall be \$15.
    - c. The fee for inspection of a sample for fungus shall be \$15.
    - d. The fee for laboratory disease analysis which exceeds the capability of the Commission's laboratory and must be analyzed by an outside laboratory shall be the fee charged by the outside laboratory and all shipping costs. This fee shall not exceed \$50 per sample.
  4. Partial nursery inspection. When the agricultural agency of the receiving state, county or commonwealth does not require the certification of an entire nursery location, nor certification of a shipment, nor laboratory disease analysis, but does require the inspection of a portion of the nursery where the plants or things to be certified are located, the charge shall be \$20 per partial nursery inspection.
  5. Inspection of out-of-state shipments resulting in recertification. Plant shipments which have entered Arizona and have not lost their identity as a shipment, were not exposed to infection or infestation while in Arizona, and upon arrival in Arizona have already met the certification requirements established by the agricultural agency of the state, county or commonwealth scheduled to receive the shipment, may be certified for reshipment without fee.

- B.** Certification requirements. The standard for certification requirements shall be determined by the agricultural agency of the state, county or commonwealth requiring certification of Arizona nursery stock. Copies of these requirements will be given to any nurseryman requesting certification.
- C.** Duration and use of certification.
1. Certification is valid for one year unless revoked as provided in Section R3-4-306(C) or (D); or unless the certification requirements, set forth by an agricultural agency of the state, county or commonwealth scheduled to receive the Arizona nursery stock, specify a shorter or longer duration.
  2. A certificate issued by the Commission cannot be reproduced without permission of the Commission.

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-304 renumbered from R3-1-304 (Supp. 91-4).

**R3-4-305. Special nursery certification; application**

- A.** The nurseryman may make written application for ozonium root rot inspection on a form approved by the Commission. The form shall contain the following:
1. Name of the applicant;
  2. The applicant's mailing address and telephone number;
  3. The nursery location, identified by name, quantity of land, and location (county, range, township, and section);
  4. A section in which to specify the certification method requested.
  5. Applicant's signature and date of application.
- B.** The nursery may make a written application for special nursery certification inspections, which does not include ozonium root rot inspection, on a form approved by the Commission. The form shall contain the following:
1. Applicant's name, nursery name, mailing address, and telephone number;
  2. Location at which inspection is to be made by legal description or physical address;
  3. Quantity of land;
  4. A section in which to specify the state, county, or commonwealth of planned destination and the type of certification requested;
  5. Applicant's signature and date of signature.

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-305 renumbered from R3-1-305 (Supp. 91-4).

**R3-4-306. Special nursery certification inspection; denial, revocation, and suspension of certification**

- A.** The State Entomologist or an inspector of the Commission shall issue the appropriate certification if, after inspection, it is determined that all certification requirements are met.
- B.** The State Entomologist or an inspector of the Commission shall deny the issuance of a certification if, after inspection, it is determined that the requirements for certification are not met.
- C.** The Commission may revoke a certification for any violation of any of the conditions of that certification.
- D.** The Commission may suspend, for a period not to exceed 90 days, any certification for any misuse or misrepresentation of that certification.

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-306 renumbered from R3-1-306 (Supp. 91-4).

**R3-4-307. Repealed****Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-307 renumbered from R3-1-307 (Supp. 91-4).  
Repealed effective April 11, 1994 (Supp. 94-2).

**ARTICLE 4. SEEDS****R3-4-401. Definitions**

In addition to the definitions provided in A.R.S. § 3-231, the following shall apply to this Article:

1. "Coated seed" means seed that has been covered with a substance which changes the size, shape, or weight of the original seed. Seeds coated with ingredients such as rhizobia, dyes, and pesticides are excluded.
2. "Replacement date sticker" means a sticker for one-time use which displays a new test date confirming that the germination on the label has not changed and that there are no label violations.
3. "Small container" means any container 16 ounces or less.

**Historical Note**

Former Rule, Arizona Seed Regulation 1. Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-110 renumbered without change as Section R3-4-401 (Supp. 89-1). Section R3-4-401 renumbered from R3-1-401 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3).

**R3-4-402. Labeling****A. General requirements:**

1. A written statement containing the information prescribed by A.R.S. § 3-237 shall appear in legible print of not less than eight point type.
2. The name of a kind, variety, or type of seed as defined in A.R.S. § 3-231(10), (24), and (25) shall not include words or terms that may create a misleading impression concerning the history or quality of the seed, nor shall any other information in addition to that required by A.R.S. § 3-237 appear on a label that is misleading.
3. Information required for labeling seed in the bulk shall appear in the invoice.
4. Blank spaces or the words "free or none" mean "0" and "0.00%" for the purpose of applying the tolerances prescribed in the regulations of the State Seed Law Enforcement Officer.
5. For labeling purposes, purity and germination entries shall not show higher results than actually found by test.
6. The terms "foundation seed," "registered seed," and "certified seed" are authorized for use on seed certified by an Arizona-designated seed-certifying agency as delineated in R3-4-407.

**B. Kind, variety, or type.**

1. The labels of the following kinds of agricultural seeds shall include variety or the words "Variety not stated."

Alfalfa	Millet, pearl
Bahiagrass	Oat
Barley	Pea, field
Bean, field	Peanut
Beet, field	Rice
Brome, smooth	Rye
Broomcorn	Safflower
Cover, crimson	Sorghum
Clover, red	Sorghum sudangrass
Clover, white	Soybean

Corn, field	Sudangrass
Corn, pop	Sunflower
Cowpea	Tobacco
Crambe	Trefoil, birdsfoot
Fescue, tall	Triticale
Flax	Wheat, common
Lespedeza, striate	Wheat, durum
Millet, foxtail	

2. The labels of all cotton planting seed sold, offered for sale, exposed for sale, or transported for planting purposes shall include both kind and variety.

- C. A replacement date sticker shall be accepted to bring outdated seed into compliance.
- D. Seed containers with an expired replacement date sticker shall be completely relabeled.

#### Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-111 renumbered without change as Section R3-4-402 (Supp. 89-1). Section R3-4-402 renumbered from R3-1-402 (Supp. 91-4). Amended effective July 10, 1995 (Supp. 95-3).

#### R3-4-403. Noxious Weed Seeds

- A. The following noxious weed seeds are prohibited in planting seed:

1. *Acroptilon repens* (L.) DC. -- Russian knapweed
2. *Aegilops cylindrica* Host. -- Jointed goatgrass
3. *Agropyron Elytrigia repens* -- Quackgrass
4. *Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn
5. *Cardaria draba* var. *repens*, *C. pubescens* -- Hoary cress
6. *Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle)
7. *Cirsium arvense* L. Scop. -- Canada thistle
8. *Convolvulus arvensis* -- Field bindweed
9. *Cyperus rotundus*, *C. esculentus* -- Nutgrass
10. *Drymaria arenarioides* H.B.K. -- Alfombrilla (Lightning-weed)
11. *Euphorbia esula* L. -- Leafy spurge
12. *Helianthus ciliaris* DC. -- Texas blueweed
13. *Ipomoea* spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory, and *Ipomoea aborescens*, morning glory tree
14. *Solanum elaeagnifolium*, *S. carolinense* -- Horsenettle
15. *Sonchus arvensis* L. -- Perennial sowthistle
16. Sorghum species, perennial (such as Johnson grass, Sorghum alnum, and perennial sweet sudangrass)

- B. The following noxious weed seeds are restricted for planting seed. The list shows the highest number of each restricted noxious weed seed permitted per pound of agricultural, vegetable, or ornamental plant seed.

1. *Avena fatua* -- Wild oat.....5
2. *Brassica* spp. -- Wild mustard.....30
3. *Cenchrus pauciflorus* -- Sandbur.....10
4. *Cuscuta* spp. -- Dodder.....10
5. *Rumex crispus* -- Curly dock.....30
6. *Salsola kali* var. *tenuifolia* -- Russian thistle.....30
7. *Sida hederacea* -- Alkali mallow.....30
8. *Tribulus terrestris* L. -- Puncturevine.....10

- C. The sale of agricultural, vegetable, or ornamental planting seed containing prohibited noxious weed seed is prohibited.

- D. The sale of agricultural planting seed containing a single type of restricted noxious weed seed in excess of the limitations set forth in subsection (B) or in combination in excess of 50 per pound is prohibited.

#### Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-112 renumbered without change as Section R3-4-403 (Supp. 89-1). Section R3-4-403 renumbered from R3-1-403 (Supp. 91-4). Section R3-4-403 repealed, new Section R3-4-403 renumbered from R3-4-405 and amended effective July 10, 1995 (Supp. 95-3).

#### R3-4-404. Vegetable Seed Germination Standards

The following list contains the minimum germination standards for vegetable seed, including hard seed, in containers of one pound or less.

Kind of Seed	Percent
Artichoke	60
Asparagus	70
Asparagusbean	75
Bean, garden	70
Bean, Lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	70
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55
Celery	55
Chard, Swiss	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60
Dill	60
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Melon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75



Rhubarb	60
Rutabaga	75
Sage	60
Salsify	75
Savory, summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-113 renumbered without change as Section R3-4-404 (Supp. 89-1). Section R3-4-404 renumbered from R3-1-404 (Supp. 91-4). Section repealed, new Section R3-4-404 renumbered from R3-4-406 and amended effective July 10, 1995 (Supp. 95-3).

**R3-4-405. Seed-certifying Agencies**

- A.** Any agency seeking to obtain designation as a seed-certifying agency in Arizona shall meet the following requirements.
1. The agency shall be qualified by USDA to certify agricultural or vegetable planting seed as to variety, strain, and genetic purity.
  2. The agency shall have a written seed certification protocol which includes standards, rules, and procedures for the certification of planting seed.
  3. The agency shall have procedures for accepting crops and varieties into a certification program.
  4. The agency shall be a member in good standing of a USDA-recognized association of official seed-certifying agencies such as the Association of Official Seed Certifying Agencies.
- B.** The Director or the Director's designee shall meet each calendar year with the director of the seed-certifying agency to review the agency's standards, rules, and procedures.
- C.** The Director may, after consulting with the Director of the Arizona Agricultural Experiment Station, revoke the agency's designation as the state seed-certifying agency after written 30 days' notice if the organization:
1. Fails to maintain qualifications, protocols, procedures, and membership as set forth in subsection (A); or
  2. Fails to follow federal and state standards, rules, and procedures.

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-114 renumbered without change as Section R3-4-405 (Supp. 89-1). Section R3-4-405 renumbered from R3-1-405 (Supp. 91-4). Section R3-4-405 renumbered to R3-4-403, new Section R3-4-405 renumbered from R3-4-407 and amended effective July 10, 1995 (Supp. 95-3).

**R3-4-406. Sampling and Analyzing Seed**

- A.** The methods of taking, handling, analyzing, and testing samples of seed and the tolerances and methods of determination are prescribed in the Federal Seed Act Regulations, 7 CFR 201.39 through 201.65, amended January 1, 2002, and in the Rules for Testing Seeds, published by the Association of Official Seed Analysts, effective October 1, 2001. This material is incorporated by reference, is on file with the Department and the Office of the Secretary of State, and does not include any

later amendments or editions. The CFR may be ordered from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA, 15250-7954 and the Rules for Testing Seeds may be ordered from the AOSA Management Office, PMB 411, 1763 E. University Blvd., Suite A, Las Cruces, NM, 88001. If there is a conflict between the two documents, the requirements in CFR will prevail.

- B.** A dealer offering a seed for sale shall pay the cost of original germination and purity tests on each lot of seed offered for sale, and any subsequent germination test required by A.R.S. § 3-237. The Department shall pay the cost of testing seed samples drawn by a seed inspector from lots bearing valid labels.

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-115 renumbered without change as Section R3-4-406 (Supp. 89-1). Section R3-4-406 renumbered from R3-1-406 (Supp. 91-4). Section R3-4-406 renumbered to R3-4-404, new Section R3-4-406 renumbered from R3-4-408 and amended effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1286, effective May 31, 2003 (Supp. 03-2).

**R3-4-407. Phytosanitary Field Inspection; Fee**

- A.** Applicants seeking phytosanitary certification for interstate and international exportation of agriculture, vegetable, and ornamental planting seed shall submit a \$20.00 inspection fee and provide the following information on a form furnished by the Department:
1. The company name and address of the applicant;
  2. The kind, variety, and lot number of the seed;
  3. The number of acres on which the seed will be grown;
  4. The name of the grower;
  5. The county and field location;
  6. The date of the application;
  7. The countries of export;
  8. The seed treatment, if applicable;
  9. The amount of treatment, if applicable;
  10. The approximate planting date;
  11. The approximate harvest date; and
  12. The export requirements.
- B.** The Department may contract with the state-certifying agency for field inspection at 20¢ per acre for any first or single required inspection and 10¢ per acre for each subsequent required inspection which shall be performed in conjunction with the seed certification program.
- C.** Field inspections conducted by the Department shall be based upon the following fee schedule and shall not exceed the maximum fee prescribed by A.R.S. § 3-233(A)(7):
1. Cotton: 80¢ per acre;
  2. Small grain: 20¢ per acre for the first inspection and 80¢ for the second inspection;
  3. Vegetable and all other crops: 20¢ for the first inspection and 80¢ for the second inspection.
- D.** If both the field inspection fee and the application fee exceeds the maximum fee per acre prescribed by A.R.S. § 3-233(A)(7), the application fee shall be voided and the maximum cost per acre shall be assessed.

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-116 renumbered without change as Section R3-4-407 (Supp. 89-1). Section R3-4-407 renumbered from R3-1-407 (Supp. 91-4). Section R3-4-407 renumbered to R3-4-405, new Section adopted effective July 10, 1995 (Supp. 95-3).

**R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees**

- A. An applicant for a seed dealer or seed labeler license shall provide the following information to the Department:
1. The year for which the applicant wishes to be licensed;
  2. The applicant's name, company name, address, and telephone number;
  3. The current registration number, if applicable;
  4. The number of business locations being licensed;
  5. The address of each business location;
  6. The applicant's check number and the check amount;
  7. The date of the application; and
  8. The signature and title of the applicant.
- B. Seed dealer and seed labeler licenses are not transferable and shall be valid for one year, or period thereof, expiring on June 30 unless otherwise provided in A.R.S. § 3-233(A)(6).
- C. Completed applications shall be submitted to the Department and shall be accompanied by a nonrefundable fee of:
1. Seed dealers, \$25.00 per location;
  2. Seed labelers, \$40.00.

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6).  
Former Section R3-4-117 renumbered without change as Section R3-4-408 (Supp. 89-1). Section R3-4-408 renumbered from R3-1-408 (Supp. 91-4). Section R3-4-408 renumbered to R3-4-406, new Section adopted effective July 10, 1995 (Supp. 95-3).

**ARTICLE 5. COLORED COTTON****R3-4-501. Colored Cotton Production and Processing**

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-101 and R3-4-102, the following terms apply to this Section:
1. "Certified" means having been inspected with a written certificate of inspection issued by an inspector of the Department.
  2. "Colored cotton" means any variety of cotton plants of the Genus *Gossypium* that produces fiber that is naturally any color other than white.
  3. "Cottonseed" means processed seed cotton used for propagation, animal feed, crushed or composted fertilizer, or oil.
  4. "Composting" means a process that creates conditions that facilitate the controlled decomposition of organic matter into a more stable and easily handled soil amendment or fertilizer, usually by piling, aerating and moistening; or the product of such a process.
  5. "Delinting" means the process of using acid, flame, or mechanical means to remove fiber that remains on cottonseed after ginning.
  6. "Planting seed" means seed of a known variety produced for planting subsequent generations.
  7. "Seed cotton" means raw cotton containing seed and lint that has been harvested from a field, but has not been ginned.
  8. "White cotton" means any variety of the Genus *Gossypium* that produces white fiber as established in 28 U.S.C. 401 through 451, the Official Cotton Standards of the United States for the Color Grade of American Upland Cotton, revised July 1, 1993; and Cotton Classification Results, revised July 1994. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Production requirements.
1. A producer who intends to grow colored cotton shall register in writing with the Department. The registration form shall be received at least 30 days before the cotton

planting date for the applicable cultural cotton zone established in R3-4-204. Any colored cotton not registered with the Department shall be abated as established in A.R.S. §§ 3-204 and 3-205, and the producer may be assessed a civil penalty as established in A.R.S. § 205.02. The registration shall include:

- a. The name, address, telephone number, and signature of the producer;
  - b. The name, address, telephone number, and signature of the property owner;
  - c. The name, address, and telephone number of the organization or company contracting for the production of colored cotton or to whom the colored cotton will be sold, if known;
  - d. The total number of acres to be planted;
  - e. The geographical location of the proposed fields by county, section, township and range; and
  - f. The name of the property owners, if known, adjacent to the field where colored cotton will be grown.
2. Separation of white and colored cotton.
    - a. A colored cotton producer shall ensure that all colored cotton is planted no less than 500 feet from any white cotton field.
    - b. All producers of white cotton saved for planting seed shall comply with the Field Standards in the Arizona Crop Improvement Association's Cotton Seed Certification Standards, revised July 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
  3. A producer shall not plant white cotton on land on which colored cotton has been grown until one or more irrigated non-cotton crops have been produced on that land. If the non-cotton crop is not grown during a traditional cotton growing season, as established by R3-4-204(E), the field shall be irrigated before planting a white cotton crop.
  4. The Department shall notify all cotton producers of the colored cotton plant-back restrictions and of the availability of location and acreage records of colored cotton crops.
  5. The Department shall notify the Arizona Crop Improvement Association of the colored cotton geographical locations at least 25 days before the cotton planting date for each cultural cotton zone established in R3-4-204.
- C. Cotton appliances.
1. No cotton producer, contractor, or ginner shall use a cotton appliance or gin to produce, transport, or handle white cotton after the gin or appliance has been used in the production, transportation, or handling of colored cotton until the Department inspects the cotton appliance or gin and finds it free of colored cottonseed, seed cotton, fiber, and gin trash. A cotton producer, contractor, or ginner shall notify the Department at least 48 hours, excluding Sundays and legal holidays, before an inspection is needed.
  2. Colored seed cotton, cottonseed, fiber, and gin trash cleaned from cotton equipment, shall be composted or disposed of by the producer or ginner:
    - a. On land where gin trash has previously been disposed and the land is managed as specified in subsection (B)(3); or
    - b. In a landfill approved by the Department.
  3. The Department shall legibly mark cotton appliances designated for exclusive use on colored cotton crops.

- D.** Transportation. Except in gin yards, colored cottonseed or colored seed cotton transported over public roads shall be totally enclosed or covered.
- E.** Gin requirements.
1. A gin owner or manager planning to process colored cotton shall notify the Department, in writing, no less than 30 days before processing the colored cotton.
  2. The Department shall notify the Arizona Crop Improvement Association of a gin owner's or manager's intention to process colored cotton within 10 days from the receipt of the notification from the gin.
  3. A gin owner or manager processing colored cotton shall not process white cotton until the gin has been cleaned, and inspected by the Department. The gin shall be free of cottonseed, seed cotton, and loose lint as established in subsection (C)(1).
  4. If a gin processes colored seed cotton and white seed cotton during the same season, and the white cottonseed is not retained by the plant breeder for research purposes, the producer shall market the white cottonseed as:
    - a. Animal feed,
    - b. Crushed or composted fertilizer, or
    - c. Oil.
  5. The ginner shall legibly mark colored seed cotton kept in the gin yard or gin buildings and shall:
    - a. Isolate the seed cotton at least 500 feet from white seed cotton, or
    - b. Enclose it with two foot high chicken wire or chain link fencing.
  6. Gin trash not disposed as established in subsection (C)(2) shall be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq., amended August 30, 1994. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
  7. The ginner shall bale or bag colored cotton fiber and mark the bale or bag as colored cotton.
- F.** Seed Requirements.
1. A producer or contracting organization, set forth in subsection (B)(1), saving colored cottonseed for propagative purposes shall legibly label the colored planting seed container and notify the Department of:
    - a. The quantity,
    - b. The variety or color,
    - c. The location where the colored planting seed is held or stored, and
    - d. Whether any seed will be shipped out-of-state.
  2. If the cotton seed is being delinted in Arizona, the delinting facility shall follow the requirements in Harvesting, Handling and Tagging that are included in the Cotton Seed Certification Standards and have been incorporated by reference in subsection (B)(2)(b).
  3. The producer shall render non-viable non-delinted (fuzzy) colored cottonseed not used for propagative purposes by crushing or composting. Whole or cracked colored cottonseed shall not be used as animal feed in Arizona but may be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq.
  4. Cotton producers shall not transport unbagged white cotton planting seed using vehicles or other equipment previously used to transport whole or cracked colored cottonseed until the Department has certified that these vehicles and equipment are free of colored cottonseed.
- G.** Advisory committee. The Director shall appoint an advisory committee, under A.R.S. § 3-106, to review colored cotton statutes and rules, inspection procedures, and certification methods. The committee shall be appointed for two-year staggered terms and a member may be reappointed for one additional term. The committee shall consist of one representative from each of the following categories:
1. The Cotton Research and Protection Council,
  2. The Arizona Crop Improvement Association,
  3. The Arizona Department of Agriculture,
  4. The Arizona Cotton Growers Association,
  5. A colored cotton producer,
  6. A ginner ginning colored cotton, and
  7. A contractor for the production of colored cotton.

**Historical Note**

Former Rule, Apiary Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Former Section R3-4-120 renumbered without change as Section R3-4-501 (Supp. 89-1). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-4-501 renumbered from R3-1-501 (Supp. 91-4). Former Section R3-4-501 repealed, new Section R3-4-501 adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995 now the permanent effective date (Supp. 96-3). New Section R3-4-501 renumbered from R3-4-205 and amended April 9, 1998 (Supp. 98-2).

**R3-4-502. Repealed****Historical Note**

Adopted effective December 22, 1989 (Supp. 89-4) Section R3-4-502 renumbered from R3-1-502 (Supp. 91-4). Former Section R3-4-502 repealed, new Section R3-4-502 adopted effective October 15, 1993 (Supp. 93-4). R3-4-502 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-503. Repealed****Historical Note**

Adopted as an emergency effective December 31, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Adopted as a permanent rule effective April 4, 1985 (Supp. 85-2). Former Sections R3-4-121.01, R3-4-121.02, R3-4-121.03, and R3-4-121.04 added to Section R3-4-121 and amended effective October 8, 1987 (Supp. 87-4). Former Section R3-4-121 renumbered without change as Section R3-4-502 (Supp. 89-1). Former Section R3-4-502 renumbered without change as Section R3-4-503 (Supp. 89-4). Repealed effective August 16, 1990 (Supp. 90-3). Section R3-4-503 renumbered from R3-1-503 (Supp. 91-4). New Section R3-4-503 adopted effective October 15, 1993 (Supp. 93-4). R3-4-503 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-504. Repealed****Historical Note**

Adopted as an emergency effective September 27, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Emergency expired. Former Sections R3-4-122.01 through R3-4-122.03, emergency expired. New Section R3-4-122 adopted effective March 6, 1987 (Supp. 87-1). Former Section R3-4-122 renumbered without change as Section R3-4-503 (Supp. 89-1). Former Section R3-4-503 renumbered without change as Section R3-4-504 (Supp. 89-4). Section R3-4-504 renumbered from R3-1-504 (Supp. 91-4). Former Section R3-4-504 repealed, new Section R3-4-504 adopted effective October 15, 1993 (Supp. 93-4). R3-4-504 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-505. Repealed****Historical Note**

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-505 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-506. Repealed****Historical Note**

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**ARTICLE 6. RECODIFIED**

*Article 6, consisting of Sections R3-4-601 through R3-4-611 and Appendix A, recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).*

**R3-4-601. Recodified****Historical Note**

Former Rule, Native Plant Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Amended by adding subsection (E) effective January 21, 1981 (Supp. 81-1). Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-130 renumbered without change as Section R3-4-601 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-601 renumbered from R3-1-601 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1101 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-602. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-131 renumbered without change as Section R3-4-602 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-602 renumbered from R3-1-602 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1102 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-603. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Correction, amendment effective May 15, 1984 deleted samples of forms (Supp. 86-1). Former Section R3-4-132 renumbered without change as Section R3-4-603 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-603 renumbered from R3-1-603 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section R3-4-603 renumbered from R3-4-605 and amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1103 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-604. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Former Section R3-4-133 renumbered without change as Section R3-4-604 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-604 renumbered from R3-1-604 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1104 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-605. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-134 renumbered without change as Section R3-4-605 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-605 renumbered from R3-1-605 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-605 renumbered to R3-4-603; new Section R3-4-605 adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1105 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-606. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-135 renumbered without change as Section R3-4-606 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-606 renumbered from R3-1-606 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1106 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-607. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-137 renumbered without change as Section R3-4-608 (Supp. 89-1). Former Section R3-4-607 repealed, new Section R3-4-607 renumbered from R3-4-608 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-607 renumbered from R3-1-607 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-607 repealed; new Section R3-4-607 renumbered from R3-4-616 and amended at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1107 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-608. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-138 renumbered without change as Section R3-4-609 (Supp. 89-1). Former Section R3-4-608 renumbered to R3-4-607, new Section R3-4-608 adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-608 renumbered from R3-1-608 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1108 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-609. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-139 renumbered without change as Section R3-4-610 (Supp. 89-1). Former Section R3-4-609 repealed, new Section R3-4-609 renumbered from R3-4-610 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-609 renumbered from R3-1-609 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1109 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-610. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-140 renumbered without change as Section R3-4-611 (Supp. 89-1). Former Section R3-4-610 renumbered to R3-4-609, new Section R3-4-610 renumbered from R3-4-611 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-610 renumbered from R3-1-610 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1110 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-611. Recodified****Historical Note**

Renumbered to R3-4-610 effective December 28, 1990 (Supp. 90-4). Section R3-4-611 renumbered from R3-1-611 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-611 repealed; new Section R3-4-611 renumbered from R3-4-618 and amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1111 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-612. Repealed****Historical Note**

Adopted effective April 30, 1982 (Supp. 82-2). Former Section R3-4-141 renumbered without change as Section R3-4-612 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-612 renumbered from R3-1-612 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-613. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-614. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-615. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-616. Renumbered****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-616 adopted effective January 17, 1989 (see also R3-4-615) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-616 renumbered from R3-1-616 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Section R3-4-616 renumbered to R3-4-607 by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-617. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-618. Renumbered****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-618 renumbered from R3-1-618 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section R3-4-618 renumbered to R3-4-611 by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-619. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-619 renumbered from R3-1-619 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-620. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-620 renumbered from R3-1-620 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-621. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-621 renumbered from R3-1-621 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-622. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-622 renumbered from R3-1-622 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-623. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-623 renumbered from R3-1-623 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-624. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-624 renumbered from R3-1-624 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-625. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-625 renumbered from R3-1-625 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-626. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-626 renumbered from R3-1-626 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-627. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-627 renumbered from R3-1-627 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-628. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-628 renumbered from R3-1-628 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-629. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-629 renumbered from R3-1-629 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-630. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-630 renumbered from R3-1-630 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-631. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-631 renumbered from R3-1-631 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-632. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-632 renumbered from R3-1-632 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-633. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633 renumbered from R3-1-633 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**Appendix A. Recodified****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633, Appendix A renumbered from R3-1-633, Appendix A (Supp. 91-4). Appendix A repealed, New Appendix A adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Appendix recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**ARTICLE 7. FRUIT AND VEGETABLE  
STANDARDIZATION**

**R3-4-701. Apple Standards**

The standards for apples in Arizona are the standards prescribed for U.S. No. 1 apples in the United States Standards for Grades of Apples, 7 CFR 51.300 et seq, revised as of January 1, 2003. This material is incorporated by reference and on file with the Department. This incorporation by reference contains no future additions or amendments.

**Historical Note**

Section R3-4-701 renumbered from R3-7-101 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 9 A.A.R. 4628, effective December 6, 2003 (Supp. 03-4).

**R3-4-702. Apricot Standards****A. Definitions.**

1. "Mature" means having reached the stage of maturity which will ensure the proper completion of the ripening process.
2. "Serious damage" includes any defect caused by limb rubs, growth cracks, dirt, scale, hail, disease, insects, mechanical injury, or any damage which causes breaking of the skin, or which affects the appearance or the edible or shipping quality of the apricot. Damage from well-healed growth cracks more than 1/2 inch in length shall be considered as serious damage.

**B.** Apricots shall be of one variety which are mature but not soft, overripe, or shriveled and which are free from decay, worm holes, and from serious damage.

**C.** Not more than 5%, by count, of the apricots in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Former Rule 100. Section R3-4-702 renumbered from R3-7-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-703. Asparagus Standards**

**A.** Asparagus, when being packed or offered for sale, shall conform to the following standards:

1. Asparagus spears shall not be wilted or crushed;
2. Asparagus spears shall not be seriously damaged by spreading or seeded tips;
3. Asparagus spears shall not be seriously damaged by crooks unless the container clearly indicates it contains crooks;

4. Asparagus spears shall not have more than 2 inches of white on the butt, except that when bunched, 25% of the spears in any bunch may have up to 2 1/2 inches of white;
5. Asparagus spears shall be free from decay and serious damage;
6. Asparagus spears, when bunched, shall be uniform in size.

**B.** Not more than 5%, by count, of the spears in any lot shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Former Rule 101. Section R3-4-703 renumbered from R3-7-103 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-704. Beets and Turnip Standards****A. Definition.**

"Serious damage" means damage caused by decay, disease, scab, nematode, growth cracks, mechanical injury, stringiness, woodiness, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.

**B.** Beets and turnips, when being packed or offered for sale, shall be free from serious damage.

**C.** Not more than 10% of the beets or turnips in any one lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Former Rule 102; Amended paragraph (7) effective June 11, 1986 (Supp. 86-3). Section R3-4-704 renumbered from R3-7-104 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-705. Broccoli Standards****A. Definitions.**

1. "Bunch" means stalks bound together to form a unit. A single stalk may be considered a bunch if it is approximately as large as bunches in the lot.
2. "Serious damage" means damage caused by means worm or insect injury, or any condition which would cause a loss of 20% or more, by volume, of any one stalk of broccoli.
3. "Stalk" means an individual unit of broccoli which consists of the stem, head cluster, and any attached leaves.

**B.** Broccoli, when being packed or offered for sale, shall be free from mold, decay, and serious damage.

**C.** Not more than 5%, by count, of a bunch of broccoli in any lot of containers or bulk lot shall be allowed for mold and decay and not more than 15%, by count, in any lot of containers or bulk lot shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Former Rule 103. Section R3-4-705 renumbered from R3-7-105 (Supp. 91-4). Former Section R3-4-705 renumbered to R3-4-736, new Section R3-4-705 adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-706. Brussels Sprouts Standards****A. Definitions.**

1. "Discoloration" means the appearance is materially affected by discolored leaves or parts of discolored leaves.
2. "Fairly firm" means the Brussels sprouts are not soft or spongy.
3. "Fairly well colored" means that the Brussels sprouts shall not be lighter than yellowish green color.

4. "Insects" means that:
    - a. There is serious damage by aphid infestation within the compact portion of the head; or
    - b. The outer leaves are seriously damaged by infestation; or
    - c. Slug worms or worm frass are present; or
    - d. The appearance is materially affected by slug or worm damage.
  5. "Seedstems" means the seedstem is showing or the formation of the seedstalk has plainly begun.
  6. "Serious damage" includes damage caused by discoloration, dirt or other foreign materials, freezing, disease, insects, mechanical injury.
- B.** Brussels sprouts shall be fairly well colored, fairly firm, not withered or burst, and free from soft decay, seedstems, and serious damage.
- C.** To allow for variations incident to proper grading and handling, not more than 5%, by weight, of the Brussels sprouts in any lot shall be allowed for any one defect and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 104. Section R3-4-706 renumbered from R3-7-106 (Supp. 91-4). Former Section R3-4-706 renumbered to R3-4-737, new Section R3-4-706 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-707. Cabbage Standards

- A.** Definition.  
"Serious damage" means damage caused by seedstems, discoloration, freezing, disease, insects, mechanical injury, or any condition which would cause a loss of 20% or more, by weight, of the head leaves.
- B.** Cabbage, when being packed or offered for sale, shall be firm, not withered, puffy, or burst, and shall be free from soft rot and decay and from serious damage.
- C.** Not more than 5%, by count, of the heads in any lot of containers or bulk lot shall be allowed for soft rot or decay and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 105; Amended effective March 5, 1982 (Supp. 82-2). Section R3-4-707 renumbered from R3-7-107 (Supp. 91-4). Former Section R3-4-707 repealed, new Section R3-4-707 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-708. Cantaloupe Standards; Maturity Sampling; Packing Arrangements

- A.** Definitions.
1. "Mature" means that a cantaloupe has reached the stage of development that ensures the completion of the normal ripening process, the arils that surround the seed during development of maturity are absorbed, and the juice of the edible portion contains not less than nine percent soluble solids as determined by the standard hand refractometer.
  2. "Serious damage" means damage caused by bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, or wilting.
- B.** Cantaloupes shall be:
1. Mature but not overripe;
  2. Fairly well-netted;
  3. Free from mold, decay, and insect damage that penetrates or damages the edible portion of the cantaloupe; and
  4. Free from serious damage.

- C.** If a preliminary inspection of cantaloupes as prescribed at R3-4-738(A) indicates that further testing for maturity is required, the inspector shall randomly select melons for testing and average the results to determine the percent of soluble solids for each lot. The minimum number of cantaloupes selected from a lot for maturity sampling is as follows:

Melons Per Container	Min. Melons Per Container Tested
9 or less	7
12	8
15	11
18	13
22	15
23	16
24 or more	2/3 of the melons, not to exceed 30 melons

- D.** The Department shall not permit more than five percent, by count, of the cantaloupes in any one lot for any one defect and not more than 10 percent, by count, to fail the total requirements prescribed in this Section.
- E.** All cantaloupes in each container shall be of one variety or of similar varietal characteristics.
- F.** Cantaloupes packed in containers shall be uniform in size and packed in a compact arrangement.

#### Historical Note

Former Section R3-4-708 renumbered to R3-4-740, new Section R3-4-708 adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 677, effective February 3, 2004 (Supp. 04-1).

#### R3-4-709. Carrot Standards

- A.** Definition.  
"Serious damage" means damage caused by growth cracks, mechanical injury, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.
- B.** Carrots, when being packed or offered for sale, shall be free from decay and insect injury which has penetrated or damaged the flesh and shall be free from serious damage. Not more than 10% of any lot of carrots shall fail to meet these requirements.
- C.** When bunched, carrots shall be uniform in size. When carrots range in diameter from 3/4 inch to 1 1/4 inches, a bunch shall contain 8 to 11 carrots, and if over 1 1/4 inches, five to seven carrots.
- D.** Topped carrots when packed in lugs, boxes, crates, or sacks shall be uniform in size.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-710. Cauliflower Standards

- A.** Definition.  
"Serious damage" means damage caused by worm, insect injury, freezing, sunburn, or any other condition which would cause a loss of 20% or more of the edible portion of an individual head of cauliflower.
- B.** Cauliflower, when being packed or offered for sale, shall be free from mold, decay, and serious damage.
- C.** Cauliflower shall be trimmed to the number of leaves necessary to protect the head.
- D.** Not more than 5%, by count, of heads of cauliflower in any lot of containers or bulk lot shall be allowed for mold and decay



and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-711. Celery Standards

#### A. Definitions.

1. "Pithy branches" means the stalk has more than four branches which are pithy; provided that not more than 10%, by count, of the stalks in any one lot or container are pithy.
2. "Seedstems" means that the stalk has a seedstem the length of which is more than twice the diameter of the stalk measured at a point 2 inches above the point of attachment at the root.
3. "Serious damage" includes damage caused by freezing, growth cracks, dirt, insect damage, seedstems, pithy branches, decay, black-heart, mechanical injury.

B. Celery, when being packed or offered for sale, shall be fairly well developed, free from serious damage.

C. The number of stalks in each container shall be specified by numerical count, or in terms of dozens or half-dozens, in block numerals not less than 1/2 inch in height on the container. A three-stalk variation from the specified count shall be allowed.

D. Not more than 5%, by count, of the celery in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-712. Cherry Standards

#### A. Definitions.

1. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.
2. "Fairly well colored" means that the cherries show the characteristic color of mature cherries of the variety.
3. "Mature" means that the cherries have reached a stage of growth which will ensure the proper completion of the ripening process.
4. "Serious damage" includes damage caused by bruises, cracks, disease, hail, other insects, limb rub, pulled stems, russetting, scars, skin breaks, sunburn, sutures, mechanical injury.
5. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.
6. "Well-formed" means that the cherry has normal shape characteristic of the variety.

B. Cherries shall be of similar varietal characteristics which are mature but are not soft, overripe, or shriveled, and which are fairly well colored, well-formed, clean, and free from decay, worms or worm holes, undeveloped doubles, sun scald, and free from serious damage.

C. Not more than 5%, by count, of the cherries in any one lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-713. Corn Standards

#### A. Definition.

"Serious damage" means wilting, shriveling, worms, disease, decay, insects, or any condition which would cause a loss of 10% or more to an individual ear of corn.

B. Corn, when being packed or offered for sale, shall be mature but not over-mature, as indicated by a "doughy" condition of the kernels, and shall be free from serious damage.

C. Not more than 10%, by count, of the ears in any lot shall fail to meet the requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-714. Endive, Escarole, or Chicory Standards

#### A. Definitions.

1. "Fairly well blanched" means that the plant shall have a yellowish white to white heart formation with a spread averaging not less than four inches in diameter when the head is opened as far as possible without breaking the leaves or leaf stems.
2. "Serious damage" includes damage caused by seedstems; broken, bruised, spotted or discolored leaves; wilting; dirt; disease; insects; mechanical injury.
3. "Similar varietal characteristics" means that the plants shall be of the same type, such as curly-leaved endive or broad-leaved escarole.
4. "Well trimmed" means that the root shall be neatly cut close to the point of attachment of the outer leaf stems.

B. Endive, escarole, or chicory shall consist of plants of similar varietal characteristics, which are fresh, well trimmed, fairly well blanched, free from decay and from serious damage.

C. In order to allow for variations incident to proper grading and handling, not more than 5%, by count, shall be allowed for decay; not more than 10%, by count, shall be allowed for any other cause; and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section;

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-715. Greens Standards (Collards, Rapini, Mustard, and Turnip)

#### A. Definitions.

1. "Fairly clean" means that the appearance of the greens is not materially affected by the presence of mud, dirt, or other foreign materials.
2. "Fairly tender" means that the greens are not old, tough, or excessively fibrous.
3. "Fresh" means that the leaves are not more than slightly wilted.
4. "Serious damage" includes damage caused by discoloration, freezing, foreign material, seedstems, disease, insects, mechanical injury.

B. Greens shall be of one variety, which are fresh, fairly tender, fairly clean, and which are free from decay and free from serious damage.

C. Not more than 5%, by weight, of the greens in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-716. Head Lettuce Standards

#### A. Definition.

"Serious damage" means damage caused by broken midribs, bursting, freezing, or tipburn:

1. "Broken midribs" is considered serious damage when the midribs of more than four of the outer head leaves are broken and severed all the way across the midrib.

2. "Bursting" is considered serious damage when the head is cracked or split open and any part of the inner portion of the head is exposed.
  3. "Freezing" is considered serious damage when it affects any portion of the head inside the six outer head leaves, and the tissue of the inner head leaves is brittle, soft, pithy, or discolored due to freezing.
  4. "Tipburn" is considered serious damage when the affected portion on one or more leaves, inside the six outer head leaves, exceeds an aggregate area of 1 inch by 1/2 inch and the color of the tipburn is light buff or darker. Serious damage does not include areas showing tan or brown specks with normal lettuce color between the specks.
- B. Head lettuce, when being packed or offered for sale, shall:**
1. Be mature;
  2. Be free from serious damage.
  3. Not be leafy without head formation;
  4. Have no more than six wrapper leaves adhering to the head;
  5. Be free from insect injury, slime, or decay affecting the leaves within the head;
  6. Be free from a seedstem present upon internal examination that is less than 1/2 inch from the top of the head of lettuce or exceeds 4 inches in length.

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- C.** Not more than 5%, by count, of the heads of lettuce in any one lot of containers or bulk lot shall contain decay or slime and not more than 15%, by count, shall fail to meet all requirements prescribed in this Section.
- D.** Individual containers in any lot shall not contain more than 1 1/2 times the tolerance of defects prescribed in this Section provided the average percentage of defects in the entire lot is within the tolerances specified in subsection (C), as determined by inspection of a representative sample under R3-4-738.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 6 A.A.R. 4582, effective November 13, 2000 (Supp. 00-4).

#### R3-4-717. Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons); Maturity Sampling

##### A. Definitions.

1. "Mature" means that:
  - a. A melon has reached the stage of development that ensures proper completion of the normal ripening process and the arils that surround the seed during development of maturity are absorbed;
  - b. The juice of the edible portion of honeyball and honeydew melons contains not less than 10 percent sol-

uble solids as determined by the standard hand refractometer; and

- c. The flesh of a watermelon, except for yellow flesh watermelon, shall be colored to a degree not less than that indicated by Hue 4, Chrome H, in Plate 1, of A, Maerz and M. Rea Paul Dictionary of Color, 1st Edition, published 1930. This material is incorporated by reference and is on file with the Department. This incorporation by reference contains no future editions or amendments.
2. "Serious damage" means damage to a melon caused by:
  - a. Growth cracks, cuts, bruises, or softness;
  - b. Beetle damage when it affects an area of more than 10 percent of the total surface of a watermelon;
  - c. Whiteheart if apparent on internal examination;
  - d. Sunburn when the sunburned area, regardless of size, is devoid of green coloration and is turning brown; or
  - e. Rindrot when the distinct brown color or decay in the edible flesh of at least one inch in aggregate occurs in the edible portion of a watermelon.
- B.** All melons, except watermelons, when packed or offered for sale, shall be:
  1. Mature but not overripe;
  2. Free from mold, decay, and insect damage that penetrates or damages the edible portion of the melon; and
  3. Free from serious damage.
- C.** Watermelons, when packed or offered for sale, shall be:
  1. Fairly well-shaped;
  2. Mature but not overripe;
  3. Free from mold, decay, insect and beetle damage; and
  4. Free from serious damage.
- D.** If a preliminary inspection of honeydew or honeyball melons as prescribed at R3-4-738(A) indicates that further testing for maturity is required, the inspector shall randomly select melons for testing and average the results to determine the percent of soluble solids for each lot:
  1. When sampling honeydew or honeyball melons for maturity in lot containers that are not bulk containers, the minimum number of melons to be sampled is as follows:

Containers in Lot	Melons Sampled
Up to 400	7
401 to 600	9
Over 600	Add 3 melons for every additional 500 containers or fraction of 500 additional containers

2. When sampling honeydew or honeyball melons for maturity in bulk containers, seven honeydew or honeyball melons shall be selected at random from the top of the bulk container. The minimum number of bulk containers to be sampled is as follows:

No. of Bulk Containers	Containers Sampled
Less than 10	2
10 to 30	3
31 to 50	4
51 or more	5

- E.** The Department shall not permit more than five percent, by count, of the melons in any one lot for any one defect and not

more than 10 percent, by count, to fail the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 10 A.A.R. 677, effective February 3, 2004 (Supp. 04-1).

### R3-4-718. Nectarine Standards

#### A. Definitions.

1. "Growth cracks" means cracks more than 5/8 inch in length, whether healed or not healed.
2. "Heat injury, sprayburn, or sunburn" means the skin is blistered, cracked, or decidedly flattened or badly discolored.
3. "Scab or bacterial spot" means the aggregate area exceeds that of a circle 3/4 inch in diameter.
4. "Serious damage" includes damage caused by bruises, growth cracks, hail, heat injury, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russetting, other diseases, insects, mechanical injury.
5. "Split pit." When causing an unhealed crack or when affecting the shape to the extent that the fruit is badly misshapen.
6. "Scars." When dark or rough scars in the aggregate area exceed that of a circle 3/4 inch in diameter.
7. "Russetting" means that 10% of the fruit surface is rough or slightly rough.

B. Nectarines shall be of one variety, which are mature but not overripe; not badly misshapen; clean; free from decay, broken skins which are not healed, worms and worm holes; and free from serious damage.

C. Not more than 5%, by count, of the nectarines in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-719. Okra Standards

#### A. Definition.

"Serious damage" means damage caused by disease, decay, insects, woodiness, stringiness, or any condition which would cause a loss of 10% or more to an individual pod.

B. Okra, when being packed or offered for sale, shall be free from serious damage.

C. Not more than 10% of the pods in a lot shall fail to meet the requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-720. Dry Onion Standards

#### A. Definitions.

1. "Mature" means that the onion is fairly well cured and at least fairly firm.
2. "Serious damage" means damage caused by:
  - a. Insect injury that has penetrated or affected the appearance or the edible portion of the onion;
  - b. Mold and decay;
  - c. Wet or dry sunscald, when affecting 1/3 of the total surface area;
  - d. Seedstems, when more than 1/2 inch in diameter;
  - e. Sprouting, when any visible sprout is more than 1 inch in length;

f. Staining, dirt, or other foreign material, when the onions in any lot are affected in appearance of 25% or more of the total surface;

g. Mechanical injury, when cuts seriously damage the appearance or edible portion of the onion;

3. "Similar varietal characteristics" means that the onions in any container are similar in color, shape, and character of growth.

B. Dry onions shall be of similar varietal characteristics, mature, and free from serious damage.

C. Not more than 5%, by weight, of the onions in any lot shall be allowed decay or wet sunscald and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-721. Pea Standards

#### A. Definition.

"Serious damage" includes damage caused by disease, mold, decay, freezing, dirt, insects, or from mechanical injury.

B. Peas, when being packed fresh or sold shall be mature but not over-mature and shall be fairly well filled, fresh, firm, and free from serious damage.

C. Not more than 10%, by weight, of any lot shall fail to meet the requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-722. Peach Standards

#### A. Definitions.

1. "Badly misshapen" means that the shape of the fruit deviates from the shape characteristics of the variety or is otherwise deformed to the extent that it affects its appearance.

2. "Mature" means that the peach has reached a stage of growth, which will ensure a proper completion of the ripening process.

3. "Serious damage" includes damage caused by cuts which are not healed, worms, worm holes, bruises, dirt, or other foreign material, bacterial spots, scab, scale, growth cracks, hail damage, leaf or limb rubs, split pits, other disease, insects, mechanical injury.

B. Peaches shall be of one variety, which are mature but are not soft or overripe, not badly misshapen, and which are free from decay and free from serious damage.

C. Not more than 5%, by count, of the peaches in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-723. Pear Standards

#### A. Definitions.

1. "Serious damage" includes damage caused by internal breakdown, scald, freezing damage, worm holes, black end, hard end, broken skins, bruises, russetting limb rubs, hail, scars, drought spots, sunburn, sprayburn, stings or other insect damage, disease, mechanical injury.

2. "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety.

B. Pears shall be of one variety, which are mature but not overripe, clean, not seriously misshapen, free from decay, and free from serious damage.

- C. Not more than 5%, by count, of the pears in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-724. Sweet Pepper Standards

#### A. Definitions.

1. "Firm" means that the pepper is not soft, shriveled, limp, or pliable, although it may yield to slight pressure.
2. "Mature green" means that the pepper has reached the stage of development that withstands normal handling and shipping.
3. "Not seriously misshapen" means that the pepper is not badly indented, crooked, constricted, or otherwise badly deformed.
4. "Serious damage" means damage caused by freezing injury, hail, scars, sunburn, disease, insects, mechanical injury, or any one of the following defects or combination of defects, the seriousness of which exceeds the maximum for any one defect:
  - a. Sunscald;
  - b. Any opening or puncture through the fleshy wall of the pepper;
  - c. Scars means evidence of scarring scattered over an aggregate surface area exceeding a circle 1 inch in diameter, or one scar 3/4 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter;
  - d. Sunburn means discoloration which affects an aggregate area exceeding 25% of the surface of the pepper;
  - e. Bacterial spot means evidence of bacteria over an aggregate area exceeding a circle 1 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter.
5. "Similar varietal characteristics" means each pepper shall be of the same general type. Thin- and thick-walled types shall not be mixed.

- B. Sweet peppers, when being packed or offered for sale, shall be of the same varietal characteristics which are mature green, firm, not seriously misshapen, free from sunscald and decay, and free from serious damage.
- C. Any lot of peppers which meets all the requirements prescribed in this Section, except those relating to color, shall be designated as "Red" if at least 90% of the peppers show any amount of a shade or red color; or as "Mixed Color" if the peppers fail to meet the requirements of "Green" or "Red."
- D. Not more than 5%, by count, of the peppers in any container or lot shall be allowed for sunscald; not more than 2%, by count, shall be allowed for decay; and not more than 10%, by count, shall fail to meet the total requirements in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-725. Fresh Plum and Prune Standards

#### A. Definitions:

1. "Badly misshapen" means that shape of the fruit deviates from the shape characteristics of the variety or is otherwise so malformed or rough that it affects its appearance. Doubles shall be considered badly misshapen.
2. "Serious damage" includes damage caused by broken skins, heat damage, growth cracks, sunburn split pits, hail marks, drought spots, gum spots, russetting scars, other disease, insects, mechanical injury.

- B. Fresh plums or prunes shall be of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled, which are free from decay or sunscald, and free from serious damage.

- C. Not more than 5%, by count, of the fruit in any one container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-726. Potato Standards

#### A. Definitions.

1. "Badly skinned" means that more than 50% of the skin of the individual potato is missing or feathered.
2. "Serious damage" means damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, shriveling, scab, dry rot, rhizoctonia, insect, larvae, worms, other diseases, mechanical injury, or any external defect which cannot be removed without a loss of more than 10% of the total weight of the potato.
3. "Seriously misshapen" means that the potato is pointed, dumbbell-shaped, or otherwise deformed.

- B. All potatoes when being packed or sold shall conform to the following standards:

1. Potatoes shall be of the same varietal characteristics and shall not be seriously misshapen or frozen;
2. Unless otherwise specified, the diameter of each potato shall be not less than 1 1/2 inches and not more than an average of 3% of the potatoes in any one container or lot. Not more than 6% of the potatoes in any one container or lot shall fail to meet such specified minimum size requirements, except that potatoes sold or offered for sale as U.S. No. 1 shall have a diameter of not less than 1 7/8 inches, unless otherwise specified on the container thereof;
3. Potatoes shall be free from black heart, late blight, southern bacterial wilt, ringrot, softrot, or wet breakdown;
4. Potatoes shall be free from serious damage.

- C. Not more than 30% of the potatoes in any one container or lot may be badly skinned.

- D. Not more than a total of 12%, by weight, of the potatoes in any one container or bulk lot shall fail to meet the standards prescribed in this Section; provided that the following percentages shall be allowed for the following defects:

1. Not more than 6% for potatoes having external defects;
2. Not more than 6% for potatoes which are seriously damaged by hollow heart, internal discoloration, or other internal defects; provided that not more than 3% of the external and internal defects shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ringrot, or late blight;
3. Not more than 3% shall be allowed for potatoes affected by soft rot or wet breakdown;

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-727. Romaine Standards

#### A. Definitions.

1. "Serious damage" includes damage caused by decay; seedstems; broken, bruised, or discolored leaves; tipburn; wilting; foreign material; freezing; dirt; insects; mechanical injury.
2. "Well developed" means that the plant shows normal growth and shape.

3. "Well trimmed" means that the stem is trimmed close to the point of the outer leaves.
- B. Romaine, when being packed or offered for sale, shall consist of plants of the same varietal characteristics which are fresh, well developed, well trimmed, and free from serious damage.
- C. Seedstems shall be considered as serious damage when the length of the attached seedstem is more than 1/2 the overall plant length, or when any portion of the seedstem has been removed.
- D. Not more than 5% of the plants in any one container or lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-728. Spinach Standards**

- A. Definition.  
"Serious damage" means damage caused by insects, disease, tip burn, frost injury, or any condition which would cause a loss of 20% or more of the leaves during preparation for use.
- B. Spinach, when being packed or offered for sale, shall be free from serious damage.
- C. Not more than 5% of the spinach in any one lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-729. Strawberry Standards**

- A. Definitions.
  1. "Mature" means any strawberry which has not less than 2/3 of the surface showing a characteristic reddish color.
  2. "Serious damage" includes damage caused by rain, irrigation, sun, bruising, disease, insects.
- B. Strawberries shall be mature but not overripe and not noticeably undeveloped or deformed; shall have the cap (calyx) attached, and shall be free from cuts, molds, decay, and serious damage.
- C. Strawberries, when being packed or offered for sale, shall be contained in the dry pint basket containing an interior capacity of approximately 33 6/10 cubic inches.
- D. Not more than 5%, by count, of the berries in any one container or subcontainer shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-730. String Bean Standards**

- A. Definition.  
"Serious damage" means damage caused by freezing, hail, dirt, disease or insect injury, rust, anthracnose, mold, mildew, decay or from mechanical injury, or any condition to an individual pod which would cause a loss of 10% or more to any one bean.
- B. String beans, when being packed or offered for sale, shall be mature, free-snapping but not overmature, and shall be free from serious damage.
- C. Not more than 10% of the beans in a lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-731. Summer Squash Standards**

- A. Definition.

"Serious damage" includes damage caused by freezing, discoloration, cuts, bruises, scars, dirt or other foreign material, disease, insects, mechanical damage.

- B. Summer squash shall consist of one variety or similar varietal characteristics which are not old and tough but are firm, free from decay and breakdown, and free from serious damage.
- C. Not more than 5%, by weight, of the squash in any container or lot shall be allowed for decay or breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-732. Sweet Potato Standards**

- A. Definition.  
"Serious damage" means damage caused by insect injury, bruises, growth cracks, freezing, grass roots, or any condition which would cause a waste of 10%, by weight, to a potato.
- B. Sweet potatoes shall be free from mold, decay, soft and wet rot, and free from serious damage.
- C. When packed in lugs, boxes of sacks, sweet potatoes shall be fairly uniform in size.
- D. Not more than 5%, by weight, of sweet potatoes in a container or bulk lot shall be allowed for decay and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-733. Table Grape Standards**

- A. Definitions.
  1. "Mature" shall be applied when the following conditions exist in each bunch of grapes tested:
    - a. The juice of all varieties contains soluble solids equal to, or in excess of, 18 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization);
    - b. Perlettes; at least 15% soluble solids;
    - c. Black Beauty Seedless; at least 15% soluble solids;
    - d. Thompson Seedless and Flame Seedless varieties; at least 16% soluble solids;
    - e. Exotic variety; at least 14% soluble solids.
  2. "Serious damage" means more than 5%, by count, of the berries on any one bunch are affected by one or more of the defects set forth in subsection (A)(3).
  3. "Serious defects" means:
    - a. "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (cladosporium) shall not be considered decay.
    - b. "Mildew and insect damage" includes the penetration or damage of the flesh of the berry, mold, decay, raisined berries, sunburned or dried berries, water or red berries, mechanical injury.
    - c. "Raisined berries" means berries which are fully cured resembling raisins and which do not contain sufficient juice to drop from the berry under ordinary pressure between the thumb and finger.
    - d. "Red berry" means a condition closely resembling waterberry. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.
    - e. "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

- f. “Waterberry” means a condition characterized by a watery, soft, or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins, and are very easily crushed.
- g. “Wet” means that the grapes are wet from moisture due to crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.
- B. Table grapes shall consist of bunches of grapes which are mature and free from serious damage due to serious defects.
- C. Not more than 10%, by weight, of the bunches in any one container or bulk lot shall fail to meet the requirements prescribed in this Section.
- D. In all varieties, the testing of soluble solids in the juice shall be determined by the hand refractometer.
- E. The maturity of varieties, prescribed in subsection (A)(1), shall be determined by testing the juice of entire bunches after removing the bunches from a standard 22-pound container; or 10%, by weight, of the least mature grapes in appearance from a contiguous area in the container in any other container.
- F. No lot of grapes shall be considered as failing to meet the maturity requirements if the sample of grapes from one container fails to meet the required percent of soluble solids for that variety.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-734. Tomato Standards**

- A. Definition.  
“Serious damage” means damage caused by blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaced, blossom end scars, and growth cracks.
- B. Tomatoes shall be mature but not overripe and shall be free from insect injury which has penetrated or materially damaged the flesh, wet or soft rot, blight, freezing injury, and from serious damage.
- C. Tomatoes when being packed or sold shall be virtually uniform in size.
- D. Not more than 5% of tomatoes in any container or lot shall be allowed for any one cause and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-735. Winter Squash Standards**

- A. Definition.  
“Serious damage” means damage caused by soft rot or wet breakdown, freezing, dirt, diseases, insects, mechanical damage, and also includes:
  - 1. Scars caused by rodents or other means, which are not well healed or corked over, or which cover more than 25% of the surface of the squash in the aggregate area;
  - 2. Dry rot which affects an area of more than 2 inches in diameter in the aggregate area on a 10-pound squash or an equivalent amount on a smaller or larger squash.
- B. Winter squash shall be of similar varietal characteristics which are fairly well mature, not broken or cracked, and are free from serious damage.
- C. Not more than 5%, by weight, of a squash in any lot shall be allowed for soft rot or wet breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-736. Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards**

- A. The following standards shall apply for those fresh fruit and vegetables for which specific quality standards are not otherwise established in this Article.
- B. At least 90% by weight or by count of all fresh fruit or vegetables packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other serious defects which damage the appearance or the shipping quality of the commodity as determined by an inspection of a representative sample prescribed in R3-4-738.
- C. All experimental products shall be subject to the standards for unlisted fresh fruit and vegetables prescribed in this Section and the requirements for labeling containers prescribed in R3-4-737.

**Historical Note**

Section R3-4-736 renumbered from R3-7-705 and amended effective January 6, 1994 (Supp. 94-1).

**R3-4-737. Container Labeling for Fruit and Vegetables**

- A. All containers shall bear in plain sight and plain letters on one outside panel the following:
  - 1. Shipper or customer identification:
    - a. The name of the shipper; and
    - b. The city, state, and zip code of the shipper; or
    - c. The name, address, and logo of the customer; and
    - d. The shipper's identifying code.
  - 2. The common or generic name of the commodity in each container; and
  - 3. The count, measure, or net weight of the commodity contained in each container, except for bulk containers.
- B. A container shall not bear any false or misleading statement.
- C. If a shipper or customer reuses a container bearing the name of a different shipper or customer, the shipper or customer shall remove or obliterate all markings or labels from the container before commercial reuse.
- D. Fruit and vegetables for processing.
  - 1. If a pallet or container is clearly marked “FOR PROCESSING ONLY,” the information in subsection (A) is not required if the pallet or container is used to transport fruit or vegetables to a processing plant.
  - 2. Fruit or vegetables transported to a processing plant may be packed on a pallet or in a container bearing a label for a commodity other than the commodity within the container.

**Historical Note**

Section R3-4-737 renumbered from R3-7-706 and amended effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 143, effective December 8, 1999 (Supp. 99-4).

**R3-4-738. Inspection and Representative Sampling for Fruit and Vegetables**

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation. When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells fruit or vegetables, containers shall be selected at random from widely separated areas.

rated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.

- B.** If, after the preliminary inspection, the inspector determines that the quality of the product meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, there is a failure to comply with the requirements of this Article, the inspector shall conduct a comprehensive inspection.
- C.** For a comprehensive inspection of a field packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D.** In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector need only examine a portion of the specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

- E.** If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

- F.** Except for apples and head lettuce, individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-739. Reconditioning for Fruit and Vegetables

- A.** Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 7 of these rules shall be reconditioned within 72 hours. If the lot or part of the

lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.

- B.** Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 7 of these rules shall be reconditioned within 48 hours. If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-486.
- C.** The supervisor or the supervisor's designee may grant a time extension for reconditioning the lot or part of the lot if the owner or holder of the lot or part of the lot which fails to comply with this Article requests an extension in writing with a specific date and time the lot or part of the lot will be reconditioned. The written request for the time extension for reconditioning may be delivered to the supervisor or the supervisor's designee in person, by mail or by facsimile. If the lot or part of the lot is not brought into compliance with this Article within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-740. Experimental Pack and Product Permits for Fruit and Vegetables

- A.** An applicant for a permit for the use of an "experimental pack" or "experimental product," under A.R.S. § 3-487(B)(3), shall provide the following information on a form furnished by the Department:
1. The applicant's name, company name, address, and telephone number;
  2. The name and description of the product packed in the container;
  3. The description of the arrangement of the product packed in the container; and
  4. The period for use of the experimental pack or product.
- B.** The shipper or packer shall make the experimental product conform to the standards for unlisted fresh fruit and vegetables prescribed in R3-4-736.
- C.** Upon completion of permit requirements by the applicant, the supervisor shall grant a permit that is valid for one year from the date of issuance.
- D.** An applicant may request renewal of an experimental pack or product permit. The Department shall not grant a renewal permit for the same experimental pack or product for more than three consecutive years, unless the rulemaking process prescribed under A.R.S. § 3-497, to standardize the experimental pack or product is initiated.

#### Historical Note

Section R3-4-740 renumbered from R3-4-708 and amended effective January 6, 1994 (Supp. 94-1).

Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4).

#### R3-4-741. Inspection Fee

- A.** Pursuant to A.R.S. § 3-489, any unlicensed person requesting inspection of citrus, fruit, vegetables, or nuts shall be charged travel expenses and an hourly fee of \$30.00, as prescribed in A.R.S. § 38-621 et seq.
- B.** All fees are non-refundable and shall be paid to the Citrus, Fruit and Vegetable Revolving Fund upon completion of the inspection, as prescribed in A.R.S. § 3-489(B).

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-742. Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants**

- A.** Every commission merchant shall keep a correct record of each consignment of farm products received for sale, showing:
1. The name and address of the consignor;
  2. The date of the consignment received;
  3. The condition and quantity of produce upon arrival;
  4. The date of the sale;
  5. The price for which sold;
  6. An itemized statement of charges to be paid by the consignor;
  7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the purchasers, or if the purchasers have a financial interest in the business of the commission merchant, either directly or indirectly, as holder of the other's corporate stock, as partner, as lender or borrower of money to or from the other, or otherwise;
  8. The lot number or other identifying mark of each consignment, which shall appear on all records necessary to show what the produce actually sold for;
  9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.
- B.** The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant's accounting of any transaction which may be questioned.
- C.** Unless otherwise agreed to in writing, remittance in full of the amount realized from any sale, including collections, overcharges, and damages, less the agreed commission and other charges, accompanied by a complete statement of the transaction, shall be made to the consignor within 10 days after receipt of the money by the commission merchant.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-743. Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers**

- A.** Every shipper shall keep a correct record of each shipment of each assessed commodity shipped, showing:
1. The name and address of each producer;
  2. The shipment totals, by producer.
- B.** The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper's accounting of any transaction which may be questioned.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**ARTICLE 8. CITRUS FRUIT STANDARDIZATION****R3-4-801. Orange and Grapefruit Standards**

- A.** Oranges are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than eight parts to every part of acid contained in the juice, except in the case of

Bloods, tangerines, tangelos, and mandarins. The acidity of the juice shall be calculated as citric acid without water or crystallization.

2. Not less than 90% of the oranges, by count, have attained a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 20-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930, except in the case of Valencia oranges that have turned greenish after having reached the soluble solids requirement. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.
- B.** Navels, at the time of sale, shall have not less than 90%, by count, a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface.
- C.** Grapefruit are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than six parts to every part of acid contained in the juice. The acidity of the juice shall be calculated as citric acid without water or crystallization.
  2. Not less than 90% of the grapefruit, by count, have attained a minimum characteristic yellow or grapefruit color on at least 2/3 of the fruit surface as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

**Historical Note**

Section R3-4-801 renumbered from R3-7-201 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-802. Lemon Standards**

Lemons are mature when they have a juice content of 30% or more by volume, except that lemons packed for export to foreign markets other than Canada shall not be required to meet this standard.

**Historical Note**

Former Rule 1. Section R3-4-802 renumbered from R3-7-202 (Supp. 91-4). Section R3-4-802 repealed, new Section R3-4-802 renumbered from R3-4-806 and heading amended effective January 6, 1994 (Supp. 94-1).

**R3-4-803. Lime Standards**

Limes are mature and free from serious damage, except freezing or drying, if, at the time of picking and at all times thereafter, the following conditions occur:

1. Damage is serious if 20% or more of the pulp shows staining, drying, desiccation, or a mushy condition.



2. Damage by freezing or drying is very serious if 40% or more of the pulp shows evidence of drying, desiccation, or a mushy condition.
3. Not more than 10%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements prescribed in this Section. Not more than 5% shall be allowed for any one cause.
4. Not more than 15%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements because of freezing or drying. Not more than 5% of this tolerance shall be allowed for very serious freezing or drying damage. Evidence of freezing or drying damage shall be determined by making as many cuts of each individual lime as are necessary.

#### Historical Note

Former Rule 2. Amended effective January 10, 1977 (Supp. 77-1). Amended effective November 3, 1983 (Supp. 83-6). Section R3-4-803 renumbered from R3-7-203 (Supp. 91-4). Former Section R3-4-803 renumbered to R3-4-809, new Section R3-4-803 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-804. Tangerine, Tangelo, and Mandarin Standards

##### A. Definitions.

1. "Diameter" means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit.
2. "Tangerines, tangelos, or mandarins" means all varieties and hybrids of the mandarin group *citrus reticulata*.
3. "Serious damage" means damage caused by freezing or drying due to any condition if 20% or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

##### B. Tangerines, tangelos, and mandarins shall be:

1. Well colored; and
2. Free from serious damage by freezing or drying due to any cause; and
3. Free from decay.

##### C. Tangerines, tangelos, or mandarins are mature if, at the time of picking and at all times thereafter, not less than 90%, by count, of the tangerine type fruit have attained a minimum characteristic yellow or light green color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

##### D. Tangerines, tangelos, or mandarins shall meet the requirements prescribed in this Section if, at the time of sale, are well colored if 90%, by count, of the fruit in any lot show the yellow, orange, or red color of 75% or more of the surface of the fruit, and the fruit is free from serious damage.

##### E. Not more than 10%, by count, of the tangerines, tangelos, or mandarins in any one container or bulk lot may fail to meet the requirements, as prescribed in this Section, because of damage by freezing or drying due to any cause.

##### F. Not more than 5%, by count, of the tangerines, tangelos or mandarins in any one container or bulk lot may fail to meet the

requirements prescribed in this Section because of serious decay.

#### Historical Note

Former Rule 3. Section R3-4-804 renumbered from R3-7-204 (Supp. 91-4). Former Section R3-4-804 renumbered to R3-4-807, new Section R3-4-804 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-805. Serious Defects in Citrus Fruit

##### A. A defect is serious in citrus fruit, other than grapefruit, if the following conditions occur:

1. Any part of the fruit is affected with decay;
2. Damage by freezing or drying, if 20% or more of the pulp or edible portion of the fruit shows evidence of drying or a mushy condition or, in a lemon, of staining (except membranous stain). Evidence of damage shall be determined by making as many cuts on each fruit as may be necessary;
3. Injury, from any cause, if the skin (rind) is broken and the injury is not healed;
4. Scars, including those caused by insects, if they are dark, rough, or deep, and if an aggregate area of 25% or more of the fruit surface is affected;
5. Scale, if 50% or more of the fruit surface shows scale infestation in excess of 50 scales per square inch;
6. Dirt, smudge stain, sooty mold, rot residues, or other foreign material, if an aggregate area of 25% or more of the fruit surface is affected;
7. Staining, if 50% or more of the fruit surface is affected with a pronounced discoloration;
8. Greenish or brownish rind oil spots (oleocellosis), if an aggregate area of 25% or more of the fruit surface is affected;
9. Spotting or pitting, if the spots or pits are sunken and an aggregate area of 10% or more of the fruit surface is affected;
10. Sunburn in oranges, if it causes flattening of the fruit, or drying or discoloration of the skin (rind), or if it affects more than 1/3 of the fruit surface;
11. Sunburn in lemons, if 25% or more of the pulp or edible portion of the fruit shows evidence of drying, staining (except membranous stain), or a mushy condition. Evidence of damage shall be determined by making as many cuts on each lemon as may be necessary;
12. Aging, if 1/3 or more of the fruit surface is dried and hard;
13. Roughness in oranges, if 90% or more of the fruit surface is rough, coarse, or lumpy;
14. Softness in oranges, if the fruit is flabby, or if the orange is spongy and puffy over 90% or more of the fruit surface;
15. Water spot in oranges, if the affected skin (rind) is soft or not healed;
16. Protruding or enlarged navel end in oranges, if the navel end protrudes beyond the general contour of the orange to such extent, or the navel opening is so wide considering the size of the orange, or the navel growth is so folded or ridged, that it detracts from the appearance of the orange;
17. Damage to a lemon by internal decline, from any cause, if 20% or more of the pulp or edible portion shows evidence of drying, staining (except membranous stain), or a mushy condition, or if the core shows gumming for its entire length. Evidence of damage shall be determined by making as many cuts on each lemon as may be necessary;

18. Peteca in lemons, if the spots or pits are sunken and an aggregate area of 10% or more of the fruit surface is affected;
  19. Deformities in lemons, if 50% or more of the individual fruit is excessively misshapen, ridgy, or lumpy; or
  20. Red blotch in lemons, if an aggregate area of 10% or more of the fruit surface is affected.
- B.** A defect is serious in grapefruit if the following conditions for serious damage, as referenced in the United States Standards for Grades of Grapefruit (California and Arizona), effective December 27, 1999, occur:
1. Dryness or mushy condition, if it affects all segments for more than half of an inch at the stem end, or the equivalent of this amount by volume when it occurs in other portions of the fruit;
  2. Sprayburn, if it changes the color to such an extent that the appearance of the fruit is seriously injured, or if it causes scarring that affects an aggregate area of more than 10% of the fruit surface;
  3. Fumigation injury, if it causes small, thinly scattered spots over more than half of the fruit surface, or solid scarring or depressions that affect an aggregate area of more than 5% of the fruit surface;
  4. Exanthema that occurs as small, thinly scattered spots over more than half of the fruit surface, or solid scarring that is not cracked, that affects an aggregate area of more than 5% of the fruit surface;
  5. Scars that are very deep, or scars that are very rough or very hard if an aggregate area of more than one inch in diameter is affected;
  6. Scars that are dark, rough, or deep, if an aggregate area of more than 5% of the fruit surface is affected;
  7. Scars that are fairly light in color, slightly rough, or of slight depth, if an aggregate area of more than 15% of the fruit surface is affected;
  8. Scars that are light colored, fairly smooth, with no depth, if an aggregate area of more than 25% of the fruit surface is affected;
  9. Green spots, oil spots (oleocellosis), or other similar injuries that are soft, or that affect an aggregate area of more than 10% of the fruit surface;
  10. Scale, if California red or purple scale is concentrated in a ring or blotch, or if it is more than thinly scattered over the fruit surface, or if the scale affects the appearance of the fruit to a greater extent;
  11. Sunburn, if it causes flattening of the fruit, or drying or dark discoloration of the skin (rind), or if it affects more than 1/3 of the fruit surface;
  12. Skin breakdown, if it exceeds a circle 5/8 of an inch in diameter;
  13. Bruising, if segment walls are collapsed, or the albedo and juice sacs are ruptured;
  14. Any part of the fruit is affected with decay;
  15. Injury, from any cause, if the skin (rind) is broken and the injury is not healed;
  16. Dirt, smudge stain, sooty mold, rot residues, or other foreign material, if an aggregate area of 25% or more of the fruit surface is affected; or
  17. Any injury, by any means, if it seriously affects the appearance, or the edible or shipping quality of the fruit.

#### Historical Note

Former Rule 4. Section R3-4-805 renumbered from R3-7-205 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 7 A.A.R. 5342, effective November 8, 2001 (Supp. 01-4).

#### R3-4-806. Tolerance for Serious Defects

- A.** Except as to the requirements relating to maturity and freezing or drying, as set forth in this Article, the following shall apply:
1. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be below the serious defect requirements, as prescribed in R3-4-805, and not more than 5% shall be allowed for any one cause.
  2. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be seriously damaged by freezing or drying from any cause as shown by representative samples as set forth in R3-4-812.
  3. When serious damage by freezing or drying from any cause is present, the combined tolerance for all defects shall not exceed 15%.
- B.** Except as to the requirements relating to freezing as set forth in R3-4-807, and internal decline, sunburn, or drying as set forth in R3-4-805, the following shall apply:
1. Not more than 10%, by count, of the lemons in any one container or bulk lot may be below the maturity requirements as set forth in R3-4-802 and the serious defect requirements as set forth in R3-4-805, and not more than 5% shall be allowed for any one cause.
  2. Not more than 10%, by count, of the lemons in any one container or bulk lot may be seriously damaged by freezing, internal decline, sunburn, or drying from any cause as shown by representative samples as set forth in R3-4-812.
  3. When serious damage by freezing, internal decline, sunburn, or drying from any cause is present, the combined tolerance of all defects shall not exceed 10%.

#### Historical Note

Former Rule 5. Section R3-4-806 renumbered from R3-7-206 (Supp. 91-4). Former Section R3-4-806 renumbered to R3-4-802, new Section R3-4-806 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-807. Freezing Damage

Freezing damage is serious when:

1. Surface membranes show a water-soaked appearance or evidence of previous water soaking; or
2. The presence of crystals or crystalline deposits on the two surface membranes on each side of the two or more segments, as shown upon separation of the segments from one another. The section shall not be less than one inch or more than 1 1/2 inches in thickness of the central portion of the fruit obtained by cutting off a portion of each end. The evidence of freezing injury shall show the entire length, but not necessarily the entire area of the surface membrane.

#### Historical Note

Former Rule 6. Section R3-4-807 renumbered from R3-7-207 (Supp. 91-4). Section repealed, new Section R3-4-807 renumbered from R3-4-804 and amended effective January 6, 1994 (Supp. 94-1).

#### R3-4-808. Standards for Unlisted Citrus Fruit, Experimental Product Standards

- A.** The following standards shall apply for that citrus fruit for which specific quality standards are not otherwise established in this Article.
- B.** At least 90% by weight of all citrus fruit packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other serious defects which damage the appearance or the shipping quality of the commodity

as determined by an inspection of a representative sample prescribed in R3-4-812.

- C. All experimental products shall be subject to the standards for unlisted citrus fruit prescribed in this Section and the requirements for labeling containers prescribed in R3-4-811.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-809. Bulk Sale of Citrus Fruit; Non-licensed Purchaser**

If a non-licensed person purchases citrus fruit in bulk from a licensed citrus dealer for retail sale to the consumer, the non-licensed person shall possess a receipt or bill of lading for that lot. The licensed citrus fruit dealer shall ensure that the citrus fruit meets the minimum quality requirements of each commodity and the lot does not exceed 7,000 pounds.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

Amended by final rulemaking at 8 A.A.R. 3633, effective

August 7, 2002 (Supp. 02-3).

**R3-4-810. Packaged Count and Average Diameter**

- A. Oranges, grapefruit, and lemons, when packed or placed loose without packing in containers, shall be marked, by count, on the container and shall be one of the numbers tabulated in Packing Chart 1, Column A. The average diameter marked on

the container shall be the corresponding number tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the oranges, grapefruit, or lemons in the container as determined by inspection of a representative sample shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column B for each fruit.

1. Oranges, grapefruit, and lemons, when placed loose without packing in containers, shall be placed in the container so compactly that they will not readily move in the container. The container shall be level full of fruit and the count in the container shall be equal to the count marked with a permissible count not exceeding eight percent.
2. The count of oranges, grapefruit, and lemons, when placed packed in the container shall be equal to or no more than five percent over the count marked on the container.
3. Oranges, grapefruit, and lemons may be packed in bulk containers. A bulk container shall contain no more than one size designation.

- B. Lime containers shall be marked by size and shall be one of the numbers tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the limes in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column A. Each container shall be loosely packed and level full of limes.

**PACKING CHART 1**

ORANGES		GRAPEFRUIT		LEMONS		LIMES	
Column A	Column B	Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.	Range	Size
24	4.370	9	6.200	63	2.925	2-5/16" to 2-5/8"	110
32	3.970	12	5.640	75	2.775	2-5/32" to 2-5/16"	150
36	3.820	14	5.350	95	2.570	2-1/16" to 2-5/32"	175
40	3.680	16	5.120	115	2.410	1-29/32" to 2-1/16"	200
48	3.470	18	4.920	140	2.240	1-25/32" to 1-29/32"	250
56	3.300	23	4.540	165	2.130	1-21/32" to 1-25/32"	275
72	3.040	27	4.270	200	2.010	1-9/16" to 1-21/32"	300
88	2.840	32	4.030	235	1.880		
113	2.600	36	3.880	285	1.770		
138	2.420	40	3.740	319	1.685		
163	2.290	48	3.530	343	1.640		
180	2.220	56	3.350				
210	2.070	64	3.170				
245	1.980	80	2.900				
270	1.920	88	2.840				

- C. The diameter, in inches, of tangerines, tangelos, or mandarins in containers shall be marked with one of the size designations tabulated in Column A of Packing Chart 2 and shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided that the diameter, in inches, of not more than 10 percent, by count, of the fruit in the container measures less than the corresponding measurement in Column B, and not more than the corresponding measurement in Column C.

PACKING CHART 2

COLUMN A	COLUMN B	COLUMN C
OMG	4.25+	
Ultra Colossal	3.75	4.25
Super Colossal	3.25	3.75
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

- D. Minneola tangelos may be packed, by count, using Packing Chart 2, or Packing Chart 3.

PACKING CHART 3

	COUNT	AVERAGE DIAMETER	PACK PATTERN	ROWS	LAYERS
OMG	36	4.25	4x4	3	3
OMG	40	4.00	3x2	4	4
Super Ultra Colossal	48	3.75	3x3	4	4
Super Ultra Colossal	48	3.75	4x4	3	4
Ultra Colossal	56	3.50	4x3	4	4
Super Colossal	64	3.315	4x4	4	4
Colossal	80	3.125	5x5	4	4
Mammoth	100	2.875	4x4	5	5
Jumbo	125	2.625	5x5	5	5
Large	150	2.375	6x6	5	5
Medium	180	2.125	5x5	6	6
Small	210	1.875	6x6	6	6

- E. If a bulk container of tangerines, tangelos, or mandarins is marked with the words “irregular sizes,” the tangerines, tangelos, or mandarins in the bulk container are exempt from the size requirements in Packing Chart 2 and Packing Chart 3.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3).

#### R3-4-811. Container Labeling for Citrus Fruit

- A. All containers shall bear in plain sight and plain letters on one outside panel the following:
- Shipper or customer identification:
    - The name of the shipper; and
    - The city, state, and zip code of the shipper; or
    - The name, address, and logo of the customer; and
    - The shipper's identifying code.
  - The common or generic name of the commodity in each container; and
  - The count, measure, or net weight of the commodity contained in each container, except for bulk containers.
- B. If a shipper or customer reuses a container bearing the name of a different shipper or customer, the shipper or customer shall

remove or obliterate all markings or labels from the container before commercial reuse.

- C. Citrus fruit for processing.

- If a pallet or container is clearly marked “FOR PROCESSING ONLY,” the information in subsection (A) is not required if the pallet or container is used to transport fruit or vegetables to a processing plant.
- Fruit or vegetables transported to a processing plant may be packed on a pallet or in a container bearing a label for a commodity other than the commodity within the container.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 6 A.A.R. 143, effective December 8, 1999 (Supp. 99-4).

#### R3-4-812. Inspections and Representative Sampling for Citrus Fruit

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation.

When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells citrus fruit, containers shall be selected at random from widely separated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.

- B.** If, after the preliminary inspection, the inspector determines that the quality of the product clearly meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, the inspector suspects there may be a failure to comply with the requirements of this Article, the inspector shall complete the procedures for a comprehensive inspection.
- C.** For a comprehensive inspection of a field or shed packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D.** In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector need only examine a portion of the specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

- E.** If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

- F.** Individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-813. Reconditioning for Citrus Fruit

- A.** Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 8 of these rules shall be reconditioned within 72 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of a lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions as prescribed in A.R.S. § 3-444.
- B.** Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 8 of these rules shall be reconditioned within 48 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-444.
- C.** Time-limit extensions shall be granted provided that the holder of the product held in violation requests a specific deadline, by facsimile or by letter, to the office of the supervisor. A lot or part of a lot not reconditioned by the requested extension time shall be dealt with according to the provisions, as prescribed in A.R.S. § 3-444.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-814. Experimental Pack and Product Permits for Citrus Fruit

- A.** An applicant for a permit for the use of “experimental packs” or “experimental products” under A.R.S. § 3-445(B)(3), shall provide the following information on a form furnished by the Department:
1. The name, company name, address, and telephone number of the applicant;
  2. The name and description of the product packed in the container;
  3. The description of the arrangement of the product packed in the container; and
  4. The period for use of the experimental pack or product.
- B.** All experimental products shall conform to the standards prescribed in this Article.
- C.** Upon completion of permit requirements, the supervisor shall grant a permit that is valid for one year from the date of issuance.
- D.** An applicant may request renewal of an experimental pack or product permit. The Department shall not grant a renewal permit for the same experimental pack or product for more than three consecutive years, unless the rulemaking process, prescribed under A.R.S. § 3-446, to standardize the experimental pack or product is initiated.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3).

#### R3-4-815. Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants

- A.** Every commission merchant shall keep a correct record of each consignment of farm products received for sale showing:
1. The name and address of the consignor;
  2. The date of the consignment received;
  3. The condition and quantity of produce upon arrival;
  4. The date of the sale;
  5. The price for which sold;
  6. An itemized statement of charges to be paid by the consignor;
  7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the

purchasers, or if the purchasers have a financial interest in the business of the commission merchant, either directly or indirectly, as holder of the other's corporate stock, as partner, as lender, or borrower of money to or from the other, or otherwise;

8. The lot number or other identifying mark of each consignment;
9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.

- B.** The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor, or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant's accounting of any transaction which may be questioned.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-816. Recordkeeping and Reporting Requirements for Citrus Fruit Shippers

- A.** Every shipper shall keep a correct record of each shipment of each assessed citrus commodity shipped, showing:
1. The name and address of the producer;
  2. The shipment totals, by producer.
- B.** The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed citrus commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper's accounting of any transaction which may be questioned.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

## ARTICLE 9. BIOTECHNOLOGY

### R3-4-901. Genetically Engineered Organisms and Products

- A.** Definitions. In addition to the definitions provided in A.R.S. § 3-101, the following shall apply:
1. "Associate Director" means the Associate Director of the Plant Services Division of the Arizona Department of Agriculture.
  2. "Genetically engineered" means the genetic modification of organisms by recombinant DNA techniques, including genetic combinations resulting in novel organisms or genetic combinations that would not naturally occur.
  3. "Organisms" means any active, infective, or dormant stage or life form of any entity characterized as living, including vertebrate and invertebrate animals, plants, bacteria, fungi, mycoplasmas, mycoplasma-like organisms, as well as entities such as viroid, viruses, or any entity characterized as living related to the foregoing.
  4. "Permit" means an application which has been approved by USDA and the Department.
  5. "Permit application" means an application filed with USDA, which may be supplemented with requirements from the Department, for the introduction of genetically engineered organisms and products, as provided by 7 CFR 340, revised June 16, 1987, pages 22908 through 22915. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

6. "Product" means plant reproductive parts including pollen, seeds, and fruit, spores, or eggs.

7. "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA, APHIS, PPQ).

- B.** Permit applications. A genetically engineered organism or product shall not be introduced into Arizona, sold, offered for sale, or distributed for release into Arizona's environment unless a permit issued pursuant to the application has been issued by USDA, or the Department has been notified by the USDA that the genetically engineered organisms or product is eligible under the notification procedure, as prescribed by 7 CFR 340.3, revised April 1993, or it has been determined by the USDA to be of nonregulated status, as prescribed by 7 CFR 340.6, revised April 1993. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

1. Applicants for the release or use of genetically engineered organisms or products shall follow all permit application procedures required by USDA.
2. In addition to USDA's requirements, permit applications shall demonstrate to the Department that:
  - a. Genetically engineered organisms or products shall be handled in such a manner so that no genetically engineered organism or product accidentally escapes into Arizona's environment.
  - b. All permit applicants shall comply with Arizona quarantine rules regulating the plants, pests, or organisms being introduced into Arizona.
3. The Department may, if it deems necessary to protect agriculture, public health, or the environment from potential adverse effects from the introduction of a specific genetically engineered organism or product:
  - a. Place restrictions on the number and location of organisms or products released, method of release, training of persons involved with the release of organisms or products, disposal of organisms or products, and other conditions of use;
  - b. Require measures to limit dispersal of released organisms or spread of inserted genes or gene products;
  - c. Require monitoring of the abundance and dispersal of the released organism or inserted genes or gene products;
  - d. Request the USDA to deny, suspend, modify, or revoke the permit for failure to comply with this rule.
  - e. Request the USDA to suspend the permit if it is determined that an adverse effect is occurring or is likely to occur because of a release authorized by such permit.
4. To the extent possible, the Department shall accept for review and base its decision on the data submitted with the federal application. However, the Department may request additional information from the applicant to assess the risks to animals and plants, including risks of vector transmissions of genetically engineered organisms or products.
5. The Associate Director shall review the application recommendations with the Director who shall, within the time period prescribed on each USDA application, approve, conditionally approve, or deny the permit.
6. The Director shall return the completed application with the resolution to USDA for final action.

#### Historical Note

Adopted effective November 22, 1993 (Supp. 93-4).